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SPEECH OF MR. RIVES, OF VIRGINIA,

On the veto of the Fiscal Bank Bill, in reply to Mr. Clay, of Kentucky, in Senate United States, August 10, 1841.

Mr. RIVES said he came prepared to give a silent vote on the bill, and he should have contented himself with doing so, but for the observations which had fallen from the Senator from Kentucky in respect to the conduct of the President of the United States. Mr. R. had hoped the Senator would have confined himself strictly to the merits of the question before the Senate. He told us, said Mr. R., that the question was this:—whether the President having returned the bill for a Fiscal Bank with his exceptions thereto, the bill was such an one as ought to pass by the constitutional majority of two-thirds, and thus become a law of the land. Now, what was the real issue before the Senate? Was it not on the naked question between the bill and the objections to it, as compared with each other? I really had hoped that the honorable Senator, after announcing to us the issue in this very proper manner, would have confined his observations to it alone; and, if he had done so, I should not have troubled the Senate with a single word.

But what has been the course of the honorable Senator? I do not reproach him with it; he, no doubt, felt it necessary, in order to vindicate his own position before the country, to inculcate the course taken by the President; and, accordingly, about two thirds of his speech, however qualified by expressions of personal kindness and respect, were taken up in a solemn arraignment of the President of the United States. Most of the allegations put forth by the Senator seem to arrange themselves under the general charge of perfidy—of faithlessness to his party and to the People.

The Senator begins with the violation, by the President, of the pledge given in his inaugural address. Now, I must say, with all due deference, that the very language quoted by the honorable Senator to prove this, received, wherever I had any opportunity of hearing the expression of public opinion, a very different construction. The President told the nation that he would give his sanction "to any constitutional measure" which might be devised by Congress for the relief of the country on the subject of the currency. He does not say any measure, but to any "constitutional" measure. Why insert the word "constitutional," if he did not intend to qualify, in an important sense, the pledge given? But the Senator finds, in the next clause of the inaugural address an explanation of the sense in which the word "constitutional" is here to be understood, viz. that "he should be governed by the sage views of the fathers of the Republican school, and by the light of their ever-glorious example." The Senator in his commentary on this clause, seems to have stricken out as significant and expressive a portion of it as any of its other words, viz. that the President should be guided by "the sage views," as well as the ever-glorious example of the Republican fathers to whom he alludes. What were these sage views, as expressed in the purest days of the Republic? The sage views of Mr. Madison in 1791—the unvarying opinions and testimony of Thomas Jefferson? He was to look to the "sage views" delivered by them, as well as to their example. And, on this point, I could not but remember what (if I have not been misinformed) was the fact, viz. that the honorable Senator himself stood in a relation of particular privacy to a memorable act of another of the "fathers of the Republican school" when he gave his casting vote against a renewal of the bank charter. Was there nothing in these sage views and examples to instruct the President, in addition to the convictions of his own judgment? Who is the individual that, by universal consent, is recognised as the founder of what the President refers to as "the Republican school"? It is Thomas Jefferson.

For, however I concur with the Senator from Kentucky in paying all homage to the unrivalled virtues and ever-glorious public services of George Washington, I must be permitted to say that he has not generally been considered as belonging to that "Republican" party to which the President alludes.

We are told, however, of the example of Mr. Madison, which it is said, President Tyler must have had particularly in

mind when he penned this passage. I have already adverted to Mr. Madison's view in relation to a National Bank in 1791: views which never were retracted by him till 1815; but the Senator tells us the President referred to his conduct in sanctioning by his signature the charter of the second Bank of the United States as that example by which he was himself to be governed. How does that example apply to the present case? Look at the letter written by Mr. Madison to Mr. Ingersoll in explanation of that act; and let any candid man say what is the deduction fairly to be drawn from it. It is this: that Mr. Madison had changed his opinion. Not that he still believed a bank unconstitutional, and, so believing, signed the bill; but that his opinion as to its unconstitutionality had undergone a change: for, in the very first paragraph of that letter, he says that he considered "the constitutionality of the bank as sustained by the considerations" which he proceeds to detail. I refer the Senator to the letter itself. But that is not all. Before we condemn President Tyler, under existing circumstances, for putting his negative on what he believes to be against the Constitution he has sworn to support, let those circumstances be compared with the circumstances under which Mr. Madison acted. In the letter to Mr. Ingersoll, Mr. Madison says the obligatory force of precedents in interpreting the Constitution depends, among other things, "on the prospect which there may be of a change of construction by the public or its agents."

The constitutionality of a bank had, at the time of Mr. Madison's action upon it, been annually recognised, as he says, for twenty years successively—the whole nation had acquiesced in it; and there was no prospect of any change of opinion. I yield to no one in profound respect for the principles and character of Mr. Madison, and I have ever been disposed to make every allowance for the course he felt it his duty to pursue. Let me read a sentence or two from his letter to Mr. Ingersoll:

"The act establishing a Bank of the United States," says he, "had been carried into execution, throughout a period of twenty years, with annual legislative recognitions—in one instance, indeed with a positive ratification of it into a new State, with the entire acquiescence of all the local authorities, as well as the nation at large; to all of which may be added a decreasing prospect of any change in the public opinion adverse to the constitutionality of such an institution."

Now will any man pretend to assert that the same circumstances exist now? Has there been an annual recognition of the constitutionality of the bank for the last twenty years? Do the local authorities every where acquiesce in it? And is the opinion in favor of the constitutionality of a National Bank so universal and so confirmed that there is no prospect of any respectable body of public opinion being arrayed against it? No. The reverse of all this is true. Half the nation are arrayed against both its constitutionality and its expediency; the local authorities in several quarters are in open arms of remonstrance and threatened resistance against it. So far from there being no prospect of any change by the public or its agents in the construction which affirmed the constitutionality of a National Bank, that construction has already, to a great extent, been reversed. These are the circumstances under which President Tyler had to decide on his course of action—circumstances, in every feature, strikingly contrasted with the circumstances of Mr. Madison's time. Therefore I say that if, in his inaugural, he had in view the example of Mr. Madison, referred to by the Senator from Kentucky, it formed no rule by which he was bound to surrender his solemn convictions as to the unconstitutionality of the bank.

But the Senator from Kentucky has told us that Mr. Jefferson, in various ways, recognised the constitutionality of a National Bank; and, in illustration of this position, he tells us an anecdote, a passage of secret history, I know not on what authority, which I must say is but little in consonance with Mr. Jefferson's life and opinions. It represents him, who never shrank from any responsibility, as willing to sink back under the fraudulent and ignominious shelter held out by a perversion of the ten days' provision, to screen himself from the duty of asserting those glorious principles which had been the ornament of a long life. Until the positive testimony of a responsible and unimpeachable witness to the fact itself shall be produced, I never can yield my belief to his being willing to stand by as a passive accessory to the violation of the Constitution. Where was the occasion for his doing so? He was to go out of office in the month of March, 1809, and the bank charter would not expire till 1811; and the record will show that, after that time, he renewed repeatedly, and in the most solemn form, the expression of his hostility to such an institution. I do not mean to cast the slightest imputation on the statement of the honorable Senator himself, so far as any knowledge of his own is concerned; but an anecdote of such a character, coming to him at se-

cond or third hand, and contradicted by the whole public life of Mr. Jefferson, he will pardon me for saying, does appear to my mind to be eminently apocryphal. But the Senator permitted himself to refer to two public official acts of Mr. Jefferson, after his own refusal, many years ago, of the argument deduced from them; I mean his signing a bill to establish a branch of the bank at New Orleans, and a bill to punish the counterfeiting of the bills of the bank. Can I do better, in reply to this argument, than quote to the Senator his own language? I know, indeed, his reluctance to have that speech referred to. [Mr. Clay. Not at all; not at all.] I remember the signal vengeance with which one of the Senators was visited who ventured to quote it, and I therefore felt some delicacy in referring to it myself.

In the able and eloquent speech made by the honorable Senator against the constitutionality of a National Bank, in 1811, he used the following language:—"Gentlemen contend that the construction which they give to the Constitution has been acquiesced in by all parties and under all Administrations; and they rely particularly on an act which passed in 1804 for extending a branch to New Orleans, and another act of 1807 for punishing those who should forge or utter forged paper of the bank. With regard to the first law, passed no doubt upon the recommendation of the Treasury Department, I would remark that it was the extension of a branch to a Territory, over which Congress possesses power of legislation almost uncontrolled, and where, without any constitutional impediment, charters of incorporation may be granted."

There is the answer—the triumphant, conclusive answer. That branch was to be established in a Territory, where the Constitution expressly gives to Congress a general discretionary legislative authority. This bill, on the contrary, contemplates the establishment of branches within the limits of sovereign States, in regard to which Congress has none but specific powers, formally enumerated and defined. As to the other bill, to punish counterfeiters of the bank paper what did the honorable Senator also tell us in 1811? These are his words:

"As to the other act, it was passed no less for the benefit of the community than the bank—to protect the ignorant and unwary from counterfeit paper, purporting to have been emitted by the bank. When gentlemen are claiming the advantage supposed to be deducible from acquiescence, let me inquire what they would have had those to have done who believed the establishment of the bank an encroachment upon State rights? Were they to have resisted, and how? By force?"

The honorable Senator then proceeds to bear the following testimony, as an actor in the scene, to the principles upon which both of those laws were passed:

"The acts of 1804 and 1807, relied on as pledges for rechartering this company, passed not only without any discussion whatever of the constitutional power of Congress to establish a bank, but, I venture to say, without a single member having had his attention drawn to this question. I had the honor of a seat in the Senate when the latter law passed, and probably voted for it; and I declare, with the utmost sincerity, that I never once thought of that point, and I appeal confidently to every honorable member who was then present to say if that was not his situation."

The Senator himself thus furnishes the true explanation of the considerations on which those acts were passed—an explanation the benefit of which he must in justice extend to Mr. Jefferson, while he claims it for himself, and has so disposed of his own argument.

I hold, therefore, that, if President Tyler had respected either to the "sage views" or the "ever-glorious example" of the "fathers of the great Republican school," he never could have brought his mind to the conclusion that he was in duty bound to give his official signature and approval to such a bill as we sent him.

I beg leave to refer the honorable Senator from Kentucky to another passage in the Inaugural Address of President Tyler, which he seems to have wholly overlooked, and which plainly intimates, as it appears to me, the determination of the President to make the Constitution, in his own conscientious interpretation of it, the sole rule of his conduct. In the opening of that address he makes the following impressive reference to the solemn obligation he had taken upon himself in assuming the office of Chief Magistrate: "My earnest prayer," says he, "shall be to carry out understandingly the principles of that Constitution which I have sworn to 'protect, preserve, and defend.'" Why this emphatic reference to the Constitution of his country, in connection with the solemn sanctions of his oath of office, if he did not intend to make it, under all circumstances, the primary and unbinding rule of his official conduct? In the closing part of the same address he repeats, in the following language, a just admonition against the exercise of any power not clearly granted by the

Constitution:

"Those (said he) who are charged with the administration of the Government should carefully abstain from all attempts to enlarge the range of powers thus granted to the several Departments other than by an appeal to the People for additional grants, lest by so doing they disturb that balance which the patriots and statesmen who framed the Constitution designed to establish between the Federal Government and the States composing the Union."

Surely, with language like this upon his lips, and sentiments such as these in his heart, the President could not be justly expected to sign a bill which in his conscience he believed, and had so repeatedly and solemnly declared to be contrary to the Constitution of his country.

There being, then, nothing in the opinions of the fathers and founders of the republican school to induce President Tyler, as a consistent disciple of that school for twenty-five years past, and one who had over and over expressed his conviction of the unconstitutionality of a Bank of the United States, to change that opinion, what course but that which he has pursued was left to him when the bill for such a bank was presented for his approval?

The Senator from Kentucky tells us that the opinions of the individual nominated, by the patriotic and enlightened Convention which assembled at Harrisburg, as a candidate for the Vice Presidency, on this great and important subject, were but little thought of.

[Mr. Clay. The Senator has stated this very differently from the manner in which I stated the fact. What I said was, that the President thought his opinions more extensively known than they actually were; and that the less consequence was attached to them when they were known, because he was the candidate for the second office only.]

I acquiesce in the Senator's explanation. But was not this a most extraordinary state of things? And did it not, if it were so, bespeak on the part of that Convention a signal instance of recklessness and want of consideration? The party, he says, were intent on the one great object of an old-fashioned Bank of the United States, and they knew that a bill chartering such a bank might be dependent for its fate on the casting vote of the Vice President in this body, (as it was when negatived by the potential voice of George Clinton.) Surely it would have evinced a most extraordinary want of foresight, when such issues were depending, to select a candidate for that chair without the most careful inquiry into his constitutional opinions. Was John Tyler so insignificant a character that they knew nothing of his past history? Where is the man, whether member or spectator, within these walls, to whom his political principles and character were not more or less familiar? If there is any one thing which has distinguished him above all other traits of his character, it is his unswerving adherence to the school of strict construction and State rights. Who has forgotten when he stood proudly on this floor in a minority of one (on the occasion of the revenue collection bill in 1833) in vindication of what he deemed a vital doctrine of that school?

Who was ignorant of the part which had been assigned him by the Senate, as a well known but honorable and high-minded opponent of the late Bank of the United States on constitutional grounds, to conduct an investigation of the proceedings and affairs of that institution? One would think that if gentlemen acted under a due sense of their responsibility to a great and patriotic party, and if they attached a grave importance to the establishment of a National Bank, they would of course take care to select their candidate for the Vice Presidency one on whose decision they could rely. How was it in regard to General Harrison himself, the candidate selected for the Presidency? Was he a bank man? Was he identified with a National Bank? Not at all. He on the contrary expressly disclaimed it. He repelled the imputation as a political slander, and defied those who made it to the proof. If that had been the true issue at Harrisburg, all will concur with me when I say (and it gives me pleasure to pay a merited tribute to the high character of the gentleman from Kentucky) that he himself, and he only, would have been thought of as the candidate for the Presidency. On the contrary, it was because his party were unwilling to make that the issue before the People in the Presidential election, that the honorable and distinguished Senator from Kentucky did not obtain that civic crown, which he so well deserved, as the reward of a life devoted to what he considers the true interest and glory of his country. But the issue was avoided as hazardous.

Let me go a little more into detail as to the opinions of General Harrison.—What was the course in the other House of Congress, in 1819, when he and President Tyler were gallant compeers in the first war with the Bank of the United States? He went even further than the President did in his opposition to the Bank. John Tyler in conformity with

those conservative principles (I use the term in its broad and general sense) which form a part of the political education of every Virginian, was unwilling to revoke a solemn charter, once granted; but Gen. Harrison, brought up as he had been in the bolder and freer school of the West, was for a summary act annulling the charter of the bank. To this vote he himself referred, as showing that he was no "Bank" or "Federal" candidate (to use his own words) for the Presidential office. In 1822, in a published address to the people of his district, he openly and distinctly avowed his opposition to a bank. He there proclaimed himself to be a disciple of the Republican school of 1798, and explicitly declared his opinion that the bank of the United States had been established in violation of the Constitution of the United States. In his letter of 1836 to Mr. Sherrod Williams, a distinguished member of Congress from the Senator's own State, he said he would not give his sanction to a Bank of the U. States, unless, by the failure of all other expedients, it should be demonstrated to be necessary to carry on the operations of Government, and unless there should be a general and unequivocal manifestation of the will of the nation in favor of such an institution; and then only as a fiscal, and not as a commercial bank.

I am reluctant, Mr. President, to refer to any thing that I may have said or done in the common cause during the late contest, but I may be permitted to say that I, for one, with an honest conviction of the truth of the statement, and founding myself upon authentic declarations of Gen. Harrison himself, did, in a published address to my fellow-citizens, represent his personal leaning and opinions to be decidedly against a Bank of the United States. Certain it is that hundreds and thousands of our countrymen voted for him without the least reference to a bank. The issue of bank or no bank was not made in the Presidential election. In the mind of the honorable Senator, no doubt, it was a prominent issue; but it was an issue his friends never ventured to propose to the country. Gen. Harrison, in the latest expression of his opinions in the Presidential canvass, (in his Dayton speech,) said that there was no grant in the Constitution of power to create a National Bank, and "it could never be constitutional save in the event that the powers granted to Congress could not be carried into effect without such an institution." That *dura necessitas* must be clearly shown, or the power to charter a bank did not exist. Yet we are now told that John Tyler, by accepting the nomination of the Convention as their candidate for the Vice Presidency, although his opinions against a National Bank had been fully and repeatedly proclaimed, and were borne on the most familiar records of the national history, incurred an unqualified obligation to sign a bill for a Bank of the United States in the contingency which has made him, in the place of the lamented Harrison, President of the United States.

I am firmly impressed with the belief, Mr. President, that if General Harrison were now living, and in the same circumstances that surround President Tyler, he would, like him, never yield his sanction to the establishment of branches of such a corporation as this bill proposes within the limits of the several States, without their free and unshackled assent. In his letter to Sherrod Williams he says (adopting the language of Gen. Jackson on a similar occasion) that he believed a "Bank of the United States, competent to all the duties which may be required by the Government, might be so organized as not to infringe on our delegated powers or the reserved rights of the States;" and if, after the example of the honorable Senator from Kentucky, I may be permitted to allude to a passage of the secret political history of the times, I will state that I have been informed that the assent of the States to branches within their limits was a favorite and fundamental idea with him in the organization of such an institution. This information, at least, has been communicated to me by gentlemen who stood in relations of the most intimate confidence with Gen. Harrison, one of whom was a member of the committee who came to this city to perform the melancholy duty of attending the remains of the deceased President to their final resting place at North Bend.

I think it is abundantly demonstrated that there was no such issue as bank or no bank presented to the nation in the late Presidential election. And even if it was otherwise, the well-known opinions of Mr. Tyler as candidate for the Vice Presidency being not only unrecanted, but, on the contrary, re-affirmed, he at least was under no pledge, expressed or implied, to give his sanction to an institution which he believed to be unconstitutional. The question has been raised here whether he will sanction any organization in the nature of a bank to conduct the fiscal affairs of the Government? I have no means of information on this subject which are not common to other gentlemen. From the terms of the Executive message I collect that, if some fiscal agency can be organized which, while its primary object is to conduct the finan-

cial operations of the Government, would incidentally aid in regulating the exchanges and currency of the country, without infringing on the sovereignty and reserved rights of the States, he would deem such an institution legitimate and constitutional. Such an institution, I infer from the message, would in his view, be a very different thing from the former money lending trading speculating, stock-jobbing Bank of the United States, ruling and riding over the institutions and sovereignty of the States.

The Senator from Kentucky infers from the message, that President Tyler would not have sanctioned the bill had it been in a modified and restricted form, so as even to require the assent of the States.

[Mr. Clay said he must here again interpose. He felt very sure the honorable Senator did not intend to misstate any thing he had said. He did not say what the President would or would not do with regard to a bank limited to the mere power of dealing in exchange. He had thought that, in respect to such a bank, he would not have required the previous assent of the States, as the Senator now said he would. But what he had said was, that it must be manifest from the message that the President would have vetoed such a bank as was proposed by the Secretary of the Treasury.]

Mr. R. resumed. I am not authorized to say what the President would or would not have done in a hypothetical case, which has not occurred, and is not likely to occur. I conclude, from the language of the message, that, whether in reference to an exchange bank or a bank of discount, if it were intended to be pushed beyond a mere fiscal agency, and was to deal in exchanges generally by an extended operation through branches in the States, he would hold the assent of the States to be necessary. I wish it, however, to be distinctly understood that I do not say this by authority of the President. It is not necessary at this time to discuss the question what would or would not satisfy the views expressed by him.

But the Senator from Kentucky, by way of picturing to us, in bolder relief, the rebellious contumacy of the President, says that his veto of this bank bill is against the general sense of the country, against the will of Congress, and against the unanimous sentiment of his Cabinet.

[Mr. Clay. I am the last man to suppose the Senator purposes to misrepresent me; but he will recollect that, in speaking on that subject, I used the most guarded language. Three or four times I repeated that I spoke only according to the voice of rumor when I stated that the veto was against the unanimous opinion of the Cabinet.]

Mr. R. The Senator most certainly did refer to the unanimous opinion of the President's Cabinet.

[Mr. Clay. To rumor, as stating it was unanimous.]

Mr. R. To rumor, then. It is immaterial to me in what form he stated it.—Observant as that Senator usually is to the official relations of the Chief Magistrate, did he think, when he represented, even on the authority of rumor, that the Cabinet were unanimously opposed in sentiment to a high official act of the President, that the Chief Magistrate, whom the constitution makes responsible for all the acts of the Executive Department, should be overruled and controlled in his high and responsible functions by officers of his own appointment, virtually irresponsible to the people but through him? Did he suppose that officers, intended by the Constitution as aids to the President, and subordinate to him, were to reverse that relation, and erect themselves into dictators to the President? I am persuaded that those gentlemen themselves would be the last to assert any such pretension. But as the question has arisen, I will for one say that the President, in our system, being alone responsible for his official conduct, and in a peculiar and emphatic manner for the exercise of the veto power, can legitimately acknowledge no control in those high functions but that of his own conscience.

The Senator must be persuaded that nothing is further from my intention than to misrepresent his sentiments; but the justice I feel to be due to a high officer, who has discharged, as President Tyler has done, a solemn and deeply responsible obligation to the Constitution and to his country, demands that he should be shielded from the insinuations of having acted in any manner in violation of the claims of good faith to those who raised him, by their voice, to his elevated station.

The Senator intimated that when offering his last amendment to the bill, as a compromise, he believed that that amendment would be acceptable here and elsewhere—to the President as well as his friends. I do not know whence the honorable Senator derived such an impression.

[Mr. Clay. The Senator again mistakes my language. I said that I did not know whether the amendment would be acceptable or not; but that I hoped it would prove acceptable not only here but elsewhere.]

I have only to say, then, said Mr. R. that I can see no adequate foundation for

such a hope in any of the public proceedings connected with this bill.

Let me now give the history of the affair, as it appears in documentary evidence. Was it not well understood at the commencement of our session that there were serious constitutional difficulties in the Executive Department in regard to an old-fashioned Bank of the United States? Were not these difficulties plainly referred to in the Report of the Secretary of the Treasury? And did not the honorable Senator himself call upon that officer for the details of a plan which should be free from constitutional difficulties? And was it not understood that the plan submitted in answer to that call contained the *ultimatum* of the President, after a full consultation with his official advisers? And what was the *sine qua non* in that plan? Was it not the unqualified previous assent of the States to branches within their limits? But the Senator will not, I am sure, contend that his compromise amendment (so called) did provide for an unqualified previous assent of the States.

The Senator complains of the manner in which the President has expressed himself in the message. Whatever, in some passages of that paper, may seem to the honorable Senator from Kentucky as harsh, or, at least, too energetic, nothing, I am sure, was further from the mind of the President than to use language which might seem wanting in respect to this body, or any member of it. He knows too well the high and dignified courtesy which should preside over the relations of the co-ordinate departments of the Government to indulge, for a moment, any feeling inconsistent with that courtesy. If, in the force and earnestness of his convictions, he has used language of corresponding energy, it must be set down to that account alone, and may plead some indulgence from the example of the honorable Senator, in whose bold and commanding eloquence words are wont to bear the impress of his own fervid conceptions.

I have a few words now to say as to the alternatives which the Senator tells us the President ought to have embraced rather than to have returned this bill with objections. The first of these alternatives was to suffer the bill, unsigned, to become a law after the lapse of ten days, as provided in the Constitution. And what would this be but an ignominious retreat from duty, instead of manfully and boldly meeting the responsibility of his high station? With all respect for the honorable and distinguished Senator, I will say that he himself is the last, the very last man to practice what he preaches. Let him point us to a single circumstance in his own "glorious example" which would sanction any thing like a skulking from duty. Never, never.—What are the principles on which the Constitution is founded? Is not the Executive Department co-ordinate with the Legislative, and intended to check, when occasion requires, an improper exercise of the legislative authority? The Constitution supposes that such an exercise of the legislative power may sometimes happen. It takes it for granted that Congress may, in an unguarded moment, invade the rights of the States, or commit other violations of the instrument which defines its powers. Hence it places in the hand of the President the veto power, that he may stand in the breach, and, in the language of his official oath, defend and preserve and protect the Constitution. I am proud to say for the President that such an alternative as letting the bill become a law by the lapse of the ten days, however it may have presented itself to the imagination of the honorable Senator, never once entered the mind of the President. I trust never to see a native of that proud old Commonwealth, which claims the Senator from Kentucky himself as one of the noblest of her sons, fly to such a refuge.

But the Senator refers us to another alternative within the power of the President, viz. the resignation of his office; and he adverts to an example in the President's own history where he once resigned his seat in this body rather than obey instructions by giving a vote which he deemed to be a violation of the Constitution. I ask, in what circumstances did Mr. Tyler stand at that time? The Legislature of Virginia, which gave the instructions, were, under the Constitution, the constituents of the Senator. He is responsible to them, and, according to the universally received doctrine in Virginia, he was bound to obey or resign. But, I ask, does the Congress of the United States stand in that relation to the President? Is the President of the United States the representative of Congress? He derives his authority from the sovereign People and the States, just as do the members of either House of Congress.—They are both representatives alike of the People of the United States. Will the Senator say that the Executive is to be subservient to the Legislative Department of Government? We have heard much of Executive dictation, however little we have seen of it, since the inauguration of the present Chief Magistrate; yet, if the doctrine of the Senator from Kentucky is to prevail, there will spring up a standing Legislative dictation and supremacy. No, sir, no. The President never was meant to be the mere tool of the Legislative will.

[Mr. Clay here interposed. I am very sure the honorable Senator cannot intend to present an erroneous statement of my remarks; yet he is under a great misapprehension of them. I did not say the President ought to resign. I said that

there were before him two other alternatives besides the veto. I said that when his constituency in Virginia required him to give a vote which was, in his view, incompatible with the Constitution, sooner than comply with such a requisition he resigned his seat; that, now, his constituency were the People of the United States, and he had good evidence that it was their opinion he ought to sign such a bill, and he could not do it; then, if he resigned rather than disobey the people of one State, he ought, upon his own principle, yet more readily, to resign rather than disobey the People of twenty-six States.]

Mr. Rives. The argument of the Senator, as he now puts it, begs the question. In the case of the Legislature of Virginia and Mr. Tyler, as a Senator, the instructions came from the true constituent body—the Legislature of the State. But where are the instructions, in this case, from the constituents of the President? Will the Senator tell me that the two Houses of Congress are the constituents of the President, to whom he is responsible?

[Mr. Clay. No, no; certainly not.]

Well, then, if the President's constituents are the whole People of the United States, to make a case analogous to the instructions of a State Legislature to a Senator chosen by them, the instructions to the President must come from the original source of power, (the People by whom he is chosen,) and not from the Representatives of that power in Congress. Congress may erroneously represent the wishes of the People. The People themselves, and they alone, are the constituents of the President. When Mr. Madison, in 1815, vetoed a bank bill which had passed Congress by a vote of three to one, was he to consider himself as instructed by the Representatives of the People in Congress, and, if he could not comply with their wishes, was he bound to resign? His very last public act was a veto. It was his veto of the bonus bill for internal improvements—a bill that was carried by Mr. Madison's own political friends. Yet, in disregard of the rule now set up, that a President is bound to obey the behests of the party which put him into power, Mr. Madison vetoed the bill. He ought, according to the modern doctrine, rather to have resigned his high office, with all its solemn responsibilities. Mr. Madison was of all men the most mild, moderate, and self-denying in the exercise of power, and yet he did not hesitate to apply the corrective of the veto in half a dozen instances during his administration, and that, in several cases, when there were most imposing majorities of Congress in favor of the measures he returned to them with objections. General Harrison, under whose banner we all rallied in the late political contest, declared himself that the veto was the conservative power of the Constitution provided for three cases: first, where there was a violation of the Constitution; second, where the rights of the States are invaded; and, third, where legislation has been hasty, and without due deliberation. All these three considerations unite in the case of the present bill. In the President's view, it violates the Constitution, it disregards the rights of the States, and it has been passed without allowing time for a sufficient manifestation of the popular will. But I go further; and I ask, has the bill received the sanction even of a majority of the Representatives in Congress on that characteristic feature of the bill which the President complains of? I say that, so far as that particular clause—the distinguishing one of the measure—is concerned, the bill was passed by a minority of the whole number of members of either House. Now, if other Presidents have been sustained in rejecting measures which passed by indisputable and overwhelming majorities, shall President Tyler be condemned for vetoing a bill which has not even the approbation of a majority of either House of Congress?

I trust I have shown that there is no ground for imputation or complaint against the President in the high constitutional duty he has performed. The Senator from Kentucky thinks the President looked too much into his own heart in this case; but where else can an honest and conscientious man look for guidance in the discharge of duty. That good and gracious Being in whose name he assumed the solemn responsibilities of his office having given him that internal monitor for his guidance, what other was he to consult? The President, under a deep sense of his responsibility to the country in all her great interests and hopes—constitutional, political, moral and economical—has preferred to act a painful and unwelcome part rather than to betray his duty to the Constitution, which he had sworn to "preserve, protect, and defend." Never were the motives of a public servant, in my humble judgment, more worthy of indulgence and respect. With this conviction rooted in my mind, I, for one, can never consent to hear his conduct impugned without raising my poor voice in his defence.

The Senator from Kentucky—with no small dramatic effect—applying the language of the President, in relation to his own case, to the dissimilar one of Mr. Madison, asked, if James Madison, by signing the bank bill of 1816, had forfeited the respect of all virtuous men? It is sufficient to say, as I have already shown, that the circumstances under which Mr. Madison acted, whether reference be had to his personal opinions or the public opinion of the times, were entirely different; and the language of the President,

therefore, quoted by the Senator from Kentucky, cannot, by any violence of implication, be considered as casting the slightest censure on that venerable and venerated name.

I beg leave to be indulged with a word or two as to the course it now devolves upon us to take. The Senator from Kentucky says he hopes we shall go on and perfect a new bank bill. While I avow myself willing, if such a bill shall be presented as my judgment can approve, to give it my support, I must be permitted to say that in my opinion, we shall better consult our duty to the country and the subject if we do not attempt a second bill at this time. It is a great, a difficult, a complex question. It is a question on which the country is more divided probably than any other; especially as to the form which a bank shall assume. I may concede, if you please, that there is a majority in the country in favor of a fiscal institution of some kind, and which shall render some incidental assistance to the currency and the exchanges of the country; yet, as to the form of the institution, its powers, its capital, and all its details, men are more divided in opinion than about any thing else. No project has as yet received the support of a majority either of Congress or of the people. The presses even which support the honorable Senator themselves now say of his bill that it would have been inoperative and its loss no calamity to the country. Shall we, then, when we are all worn out, in mind and body, by our unnatural labors in these dog days, be called upon to make yet another disastrous experiment? I say to this side of the House, and I would say to the other side, (if I could be permitted to do so without treason to party,) shall we, at this moment, with all the evidences of extensive dissidence as to such a measure before us, rush on blindfold, and in triple haste to get up another crude scheme for the finances of the country? I would respectfully say, no. If prudence is to have any thing to do in guiding our councils, I would say again, no. Mr. Gallatin, in his late admirable pamphlet on the currency, says, most truly, that a Bank of the United States, from its intrinsic popularity and liability to abuse, is a subject which, above all others, ought to be acted on "with great caution and due deliberation." Mr. Appleton, too, than whom no man has evinced a greater acquaintance with the whole subject, tells us that "the establishment of a Bank of the United States is the last thing to be done in haste, or as a mere party measure." I never will agree to act upon any measure touching the great and vital interest of the currency as a party measure.—We are entitled to the joint wisdom of the whole people, and every part of them, in adjusting this great common interest. Let us, then, for the present, pass the subject by. The bill has been rejected by the President, and has failed to command the approbation of a majority of either House of Congress. Many Whigs, to my certain knowledge, at this moment, heartily rejoicing in the defeat of that measure. I have in my pocket a letter from an eminent whig financier congratulating the country on the loss of the bill. We have done much in repealing the sub-Treasury. We have thus taken an obstacle out of the way of the resumption of specie payments; for it has been most truly said that that system weakened its vengeance only on specie paying banks, while to those which did not pay specie its requirement of bullion was a matter of indifference. Where is the gentleman who will not admit that the incorporation of a National Bank will, for the time, operate as an obstacle to resumption? On that point I refer gentlemen again to the able pamphlet of Mr. Appleton. I would prefer, indeed, that some temporary act be passed limiting the discretion now left to the Executive in relation to the custody and management of the revenue. But, if we cannot agree even on that, let the question be adjourned—let us take time for deliberation—for reflection—for comparison of views. Let us call in the aid of practical men. Let us not attempt to arrange in haste the details of such an institution on mere theoretical or party principles; but let us build up, with cautious deliberation, a system which shall stand the test of scrutiny and time, and be worthy of the Administration and the country.—All previous systems have been rejected and condemned—the sub-Treasury—the pet banks—an old-fashioned Bank of the United States—a new-fashioned fiscal agency. We have before us a complete tabularasa—appealing emphatically to all parties to lay down, so far as this question is concerned, former prepossessions on the altar of the country, and to unite in an honest and patriotic effort to build up a permanent system for the common good.

Mr. Clay's Speech.

In reply to the foregoing speech of Mr. Rives, Mr. CLAY rose in rejoinder. I have no desire, said he, to prolong this unpleasant discussion, but I must say that I heard with great surprise and regret the closing remark, especially of the honorable gentleman from Virginia, as, indeed, I did many of those which preceded it. That gentleman stands in a peculiar situation. I found him several years ago in the half-way house, where he seems afraid to remain, and from which he is yet unwilling to go. I had thought, after the thorough riddling which the roof of the house had received in breaking up of the pet-bank system, he would have fled some where else for refuge; but there he still

stands, solitary and alone, shivering and pelted by the pitiless storm. The sub-Treasury is repealed—the pet-bank system is abandoned—the United States bank bill vetoed—and now, when there is as complete and perfect a re-union of the purse and the sword in the hands of the Executive as ever there was under Gen. Jackson or Mr. Van Buren, the Senator is for doing nothing! The Senator is for going home, leaving the Treasury and the country in their lawless condition! Yet no man has heretofore, more than he has, deplored and deprecated a state of things so utterly unsafe and repugnant to all just precautions, indicated alike by sound theory and experience in free Governments. And the Senator talks to us about applying to the wisdom of practical men, in respect to banking, and advises further deliberation! Why I should suppose that we are at present in the very best situation to act upon the subject. Besides the many painful years we have had for deliberation, we have been near three months almost exclusively engrossed with the very subject itself. We have heard all manner of facts, statements, and arguments in any way connected with it. We understand, it seems to me, all we ever can learn or comprehend about a National Bank. And we have, at least, some conception too of what sort of one will be acceptable at the other end of the avenue. Yet now, with a vast majority of the People of the entire country crying out to us for a bank—with the people throughout the whole valley of the Mississippi rising in their majesty, and demanding it as indispensable to their well-being, and pointing to their losses, their sacrifices, and their sufferings for the want of such an institution—in such a state of things, we are gravely and coolly told by the honorable Senator from Virginia that we had best go home, leaving the purse and the sword in the uncontrolled possession of the President, and, above all things, never to make a party bank! Why, sir, does he, with all his knowledge of the conflicting opinions which prevail here, and have prevailed, believe that we ever can make a bank but by the votes of one party who are in favor of it, in opposition to the votes of another party against it? I deprecate this expression of opinion from that gentleman the more, because, altho' the honorable Senator professes not to know the opinions of the President, it certainly does turn out in the sequel that there is a remarkable coincidence between those opinions and his own; and he has, on the present occasion, defended the motives and the course of the President with all the solicitude and all the fervent zeal of a member of his *Privy Council*. [A laugh.] There is a rumor abroad that a cabal exists—a new sort of Kitchen Cabinet—whose object is the dissolution of the regular Cabinet—the dissolution of the Whig party—the dispersion of Congress, without accomplishing any of the great purposes of the extra session—and a total change, in fact, in the whole face of our political affairs. I hope, and I persuade myself, that the honorable Senator is not, cannot be, one of the component members of such a cabal; but I must say that there has been displayed by the honorable Senator to-day a predisposition, astonishing and inexplicable, to misconceive almost all of what I have said, and a perseverance, after repeated corrections, in misunderstanding—for I will not charge him with wilfully and intentionally misrepresenting—the whole spirit and character of the address which, as a man of honor and as a Senator, I felt myself bound in duty to make to this body.

The Senator begins with saying that I charge the President with "perfidy!" Did I use any such language? I appeal to every gentleman who heard me to say whether I have in a single instance gone beyond a fair and legitimate examination of the Executive objections to the bill. Yet he has charged me with "arraigning" the President, with indicting him in various counts, and with imputing to him motives such as I never even intimated or dreamed, and that, when I was constantly expressing, over and over, my personal respect and regard for President Tyler, for whom I have cherished an intimate personal friendship of twenty years' standing, and while I expressly said that if that friendship should now be interrupted, it should not be my fault! Why, sir, what possible, what conceivable motive can I have to quarrel with the President, or to break up the Whig party? What earthly motive can impel me to wish for any other result than that that party shall remain in perfect harmony, undivided, and shall move undismayed, boldly, and unitedly forward to the accomplishment of the all-important public objects which it has avowed to be its aim! What imaginable interest or feelings can I have other than the success, the triumph, the glory of the Whig party? But that there may be designs and purposes on the part of certain other individuals to place me in inimical relations with the President, and to represent me as personally opposed to him. I can well imagine—individuals who are beating up for recruits, and endeavoring to form a third party with materials so scanty as to be wholly insufficient to compose a decent corporal's guard. I fear there are such individuals, though I do not charge the Senator as being himself one of them. What a spectacle has been presented to this nation during this entire session of Congress?—That of the cherished and confidential friends of John Tyler, persons who boast and claim to be, *par excellence*, his exclusive and genuine friends, being the

bitter, systematic, determined, uncompromising opponents of every leading measure of John Tyler's administration! Was there ever before such an example presented, in this or any other age, in this or any other country? I have myself known the President too long, and cherished toward him too sincere a friendship, to allow my feelings to be affected or alienated by any thing that has passed here to-day. If the President chooses—which I am sure he cannot, unless falsehood has been whispered into his ears or poison poured into his heart—to detach himself from me, I shall deeply regret it, for the sake of our common friendship and our common country. I now repeat, what I before said, that, of all the measures of relief which the American People have called upon us for, that of a National Bank and a sound and uniform currency has been the most loudly and importunately demanded. The Senator says that the question of a bank was not the issue made before the People at the late election. I can say, for one, my own conviction is diametrically the contrary. What may have been the character of the canvass in Virginia, I will not say; probably gentlemen on both sides were, everywhere, governed in some degree by considerations of local policy. What issues may therefore have been presented to the people of Virginia, either above or below tide-water, I am not prepared to say. The great error, however, of the honorable Senator is in thinking that the sentiments of a particular party in Virginia are always a fair exponent of the whole Union. [A laugh.] I can tell that Senator that wherever I was—in the great valley of the Mississippi—in Kentucky—in Tennessee—in Maryland—in all the circles in which I moved—every where, "Bank or no Bank" was the great, the leading, the vital question. At Hanover, in Virginia, during the last summer, at one of the most remarkable and respectable and gratifying assemblages that I ever attended, I distinctly announced my conviction that a Bank of the United States was indispensable. As to the opinions of Gen. Harrison, I know that, like many others, he had entertained doubts as to the constitutionality of a bank; but I also know that, as the election approached, his opinions turned more and more in favor of a National Bank; and I speak from my own personal knowledge of his opinions when I say that I have no more doubt he would have signed that bill than that you, Mr. President, now occupy that chair, or that I am addressing you.

I rose not to say one word which should wound the feelings of President Tyler. The Senator says that, if placed in like circumstances, I would have been the last man to avoid putting a direct veto upon the bill, had it met my disapprobation; and he does me the honor to attribute to me high qualities of stern and unbending integrity. I hope that in all that relates to personal firmness—all that concerns a just appreciation of the insignificance of human life—whatever may be attempted to threaten or alarm a soul not easily swayed by opposition, or awed or intimidated by menace—a stout heart and steady eye that can survey, unmoved, and undaunted, any mere personal perils that assail this poor transient, perishing frame, I may, without disparagement, compare with other men. But there is a sort of courage which, I frankly confess, I do not possess—a boldness to which I dare not aspire—a valor to which I dare not aspire—a valor which I cannot covet. I cannot lay myself down in the way of the welfare and happiness of my country. That I cannot, I have not the courage to do. I cannot interpose the power with which I may be invested—a power conferred not for my personal benefit, nor for my aggrandizement, but for my country's good—to check her onward march to greatness and glory. I have not courage enough, I am too cowardly, for that. I would not, I dare not, in the exercise of such a trust, lie down, and place my body across the path that leads my country to prosperity and happiness. This is a sort of courage widely different from that which a man may display in his private conduct and personal relations.—Personal or private courage is totally distinct from that higher and nobler courage which prompts the patriot to offer himself a voluntary sacrifice to his country's good.

Nor did I say, as the Senator represents, that the President should have resigned. I intimated no personal wish or desire that he should resign. I referred to the fact of a memorable resignation in his public life. And what I did say was, that there were other alternatives before him besides vetoing the bill; and that it was worthy of his consideration whether consistency did not require that the example which he had set when he had a constituency of one State, should not be followed when he had a constituency, commensurate with the whole Union.—Another alternative was to suffer the bill, without his signature, to pass into a law under the provisions of the Constitution. And I must confess I see, in such escaping by the back-door, no such jumping out of the window, as the Senator talks about. Apprehensions of the imputation of the want of firmness sometimes impel us to perform rash and inconsiderate acts. It is the greatest courage to be able to bear the imputation of the want of courage. But pride, vanity, egotism, so unamiable and offensive in private life, are vices which partake of the character of crimes in the conduct of public affairs. The unfortunate victim of these passions cannot see beyond the little, pet-

ty, contemptible circle of his own personal interests. All his thoughts are withdrawn from his country, and concentrated on his consistency, his firmness, himself. The high, the exalted, the sublime emotions of a patriotism, which, soaring towards Heaven, rises far above all mean, low, or selfish things, and is absorbed by one soul-transfusing thought of the good and the glory of one's country, are never felt in his impenetrable bosom. That patriotism which, catching its inspirations from the immortal God, and leaving at an immeasurable distance below all lesser, grovelling, personal interests and feelings, animates and prompts to deeds of self-sacrifice, of valor, of devotion, and of death itself—that is public virtue—that is the noblest, the sublimest of all public virtues!

I said nothing of any obligation on the part of the President to conform his judgment to the opinions of the Senate and House of Representatives, although the Senator argued as if I had and persevered in so arguing, after repeated corrections. I said no such thing. I know and respect the perfect independence of each department, acting within its proper sphere, of other departments. But I referred to the majorities in the two Houses of Congress as further and strong evidence of the opinion of the People of the United States in favor of the establishment of a Bank of the United States. And I contended that, according to the doctrine of instructions which prevailed in Virginia, and of which the President is a disciple, and, in pursuance of the example already cited, he ought not to have rejected the bill.

I have heard that, on his arrival at the seat of the General Government to enter upon the duties of the office of Vice President, in March last, when interrogated how far he meant to conform, in his new station, to certain peculiar opinions which were held in Virginia, he made this patriotic and noble reply: "I am Vice President of the United States, and not of the State of Virginia; and I shall be governed by the wishes and opinions of my constituents." When I heard of this encouraging and satisfactory reply, believing, as I most religiously do, that a large majority of the people of the U. S. are in favor of a National Bank, (and gentlemen may shut their eyes to the fact, deny or dispute, or reason it away as they please, but it is my conscientious conviction that two-thirds, if not more, of the people of the United States desire such an institution.) I thought I beheld a sure and certain guaranty for the fulfilment of the wishes of the People of the U. States. I thought it impossible that the wants and wishes of a great People, who had bestowed such unbounded and generous confidence, and conferred on him such exalted honors, should be disregarded and disappointed. It did not enter into any imagination to conceive that one, who had shown so much deference and respect to the presumed sentiments of a single State, should display less towards the sentiments of the whole Nation.

I hope, Mr. President, that, in performing the painful duty which had devolved on me, I have not transcended the limits of legitimate debate. I repeat, in all truth and sincerity, the assurance to the Senate and to the country, that nothing but a stern, reluctant, and indispensable sense of honor and of duty could have forced from me the response which I have made to the President's objections. But, instead of yielding without restraint to the feelings of disappointment and mortification excited by the perusal of his message, I have anxiously endeavored to temper the notice of it, which I have been compelled to take, by the respect due to the office of Chief Magistrate, and by the personal regard and esteem which I have ever entertained for its present incumbent.

10,000 lbs. of BEESWAX, WANTED.

I WILL pay, Goods or Cash, for any quantity of Beeswax, from 1 pound to 10,000, provided the quality is excellent and the price reasonable.

JESSE H. LINDSAY.

April 1, 1841.

ATTENTION.

THE officers of the Regiment of Cavalry attached to the 8th Brigade and 9th division of North Carolina militia, you are hereby ordered to parade with your respective troops in the town of Greensboro', on Tuesday the 5th of October next, at the hour of 11 o'clock well armed and equipped as the law directs, for general review and inspection.

WILLIAM GILBREATH, c. c. c.

September 3rd, 1841.

BACON AND LARD.

I HAVE on hand for sale a quantity of Bacon & Lard.

JESSE H. LINDSAY.

June, 1841.

CHEESE.

50 LBS. homemade cheese just received and for sale by

T. CALDWELL & SONS.

September 4th, 1841.

SUGAR & COFFEE.

A large quantity of Sugar and Coffee just received and for sale CHEAP, wholesale or retail. Apply at the Factory.

T. R. TATE.

September 6, 1841. 304.

THERE will be a Public Exhibition at the Brick School-house, Alamance, on the first Saturday in November next.

August, 1841.

FOR SALE.

TWO NEGRO GIRLS, 12 and 16 years of age. Apply to J. & R. STONAN.

The editor of the Chicago Democrat, in describing a journey, says:

"At Buffalo, we took a packet boat, and, upon counting noses, we found about two passengers to one berth, and twenty-one ladies; fourteen of whom had infants, and two of whom, being old maids, carried a puppy each, to keep up appearances."

The night scene, of course, is rich.—We give an extract from Col. Wentworth's picture:—

"Anon thump goes the boat against the side of the canal, and in a moment the berths are joggling to and fro; a signal for a general alarm. One woman shrieks out, 'the boat is sinking, what shall I do?'"

Another screams 'Captain, Captain, hasn't my trunk fell overboard?' Another screeches like an owl, 'It's no use; we are going, God have mercy!' So they go, from shriek to shriek. Nor is there less noise in the gentlemen's apartment, though there is no affright. One halloo to the extent of his lungs. 'I wish them screechers of women would keep still.' Another, 'curse them women, what grannies they are'; and so on—every one in the boat having something to say, old and young, male and female—thus giving every pitch of the human voice, from the deepest bass to the shrillest treble. But, upon the principle that 'as the old crows the young ones will follow,' a shrill solo was struck up by one of the babies and a chorus by the whole was soon following after. Here was a rare entertainment. Never was there such a hullabaloo heard before. But the half is not told yet. As the infants began, the mothers found it necessary for them to lower their keys a little, and so they commenced all sorts of baby talk, enough to sicken a cat, in utter confusion as to voice and tone, so that no one could tell who was who, running somewhat after this sort:—Come, little dear, hug up to mama, and go to sleep. Lay still, dear, we shall see papa in the morning—here dear, take some candy, and lay still—go 'way black man you shant have little Charley—he's, going to cry no more—There, there, now shet up, or I'll sell you to the beggar man—oh now don't, you'll soon get home, and see your aunt Nabby—hark hark, some one is coming, now cover up your head quick, or he'll catch you—now, don't o dear, your mama is sick, and will die and be put in the pit hole-e, dear; didn't you see where they put little Sally Jones, &c. &c. While this confused baby talk was under full sail, the two old maids got their dander up, and began to scold like old Madam Wildfire. Says one, 'I wish you'd keep them young ones still! Why don't you?'—because we can't, was the response. 'Then I'd leave my pesky young ones at home, or throw them overboard,' the old maid rejoined. Here one of the pups led off in the wake of his mistress with his 'bow, wow, wow,' and the other soon followed with his 'bow, wow, wow.' 'Well,' says one of the mothers to the old maids, 'Miss Single-lady-some-what-advanced-in-years, I wish you'd keep your pesky babies still. Why don't you?' They felt the rebuke severely, but said nothing. However, the mother continued, 'before I'd live single, if I was obliged to keep a little puppy to play with, I'd turn abolitionist, and marry a negro.' The best of this joke was, the old maids were abolition tract-peddlers. But they said nothing, whilst both the pups kept on barking, louder and louder, and the mothers still crying out, and asking why they didn't let their dear little four-legged babies, looking just like their mama's, suck!"

There are improvisators among the Dalmatians as among the savages; they were found, too, with the Grecians, and almost always exist where there is much imagination, and little vanity. Natural talent turns rather to epigram, in countries where a fear or ridicule makes every man anxious to secure that weapon. But people throw much with nature feel a reverence for her that greatly nurtures fancy.

Queer effect of Trepidation.—A Boston paper says that on the night of fire in Howard street House, two strangers who lodged in the same room jumped out of bed at the alarm of fire, and both grabbed the same pair of pantaloons, and each inserted a leg into them, and thus chained together, like galley slaves, they got into the street, and cried fire lustily.

A Good Way.—The editor of the Newburyport (N. H.) Argus tell a story of a fellow who after having been drawn into the meshes of love with one fair one named "Nabby," afterwards, 'took a shine,' to another. Thinking to cast off the old 'flame' for a new 'spark,' he indited an epistle, of which the following is a copy—

"Dear Nabby, these are to inform you as I am fast coming to my latter end with the yellow jaundice; from Your dying Esq."

P. S. I open this to let you know I departed this life about two hours ago, in great agony—Your gone Esq."

A large Water Wheel.—The Messrs. Dupont have erected a water wheel for a cotton factory, near their powder mills. (in Delaware,) which is truly a curiosity, its diameter is upwards of forty feet, and its width less than three feet. It runs on friction wheels, and turns with a few buckets full of water.

A STEAMBOAT SCENE.

By way of "set off" to the melancholy account of the steamboat disaster on Lake Erie, we insert the following amusing sketch from the Boston Post.

Only think of a fat old lady weighing some 250 lbs. wishing to be "blown up" on board a steamboat! Why, one would think from her ample dimensions, that she had been already "blown up" to a most unusual size.—The old Dame must belong to that class of unreasonable persons of whom it is said "the more they have the more they crave."

"After we left the landing, the principal topic of conversation among the passengers was the numerous accidents which had happened. The old lady, who was inordinately fat and one of McDonald Clarke's style of beauties—"with a waist like a cotton bag and a font like a flounder"—and who had narrowly escaped with her life when the Ben Sherrod was destroyed by fire a few years ago—she was evidently greatly excited and ill at ease all the time.—Nearly every person was equipped with a life preserver, and some were so cautious as to hang them up in their berths filled with air and ready for use at a moment's warning.—Night came, and all were snugly ensconced in their berths, when there rose the cry of fire! The wood on the bow of the boat had caught fire and was blazing fiercely up, shining through the glass doors of the social hall and the cabin windows until the whole boat seemed enveloped in a sheet of flame. In an instant all was confusion and alarm. Passengers tumbled out of their berths, and over one another; some grasped their preservers—some ran for their baggage—some for their wives—the wise ones kept quiet. In the midst of the hubbub, the door of the ladies' cabin flew wide open, and out burst one fat lady dressed all in white, her face "a map whereon terror was drawn in all its shapes," and around her waist a huge life preserver, not inflated. Seizing this by the nipple with both hands, she rushed from one to another, exclaiming, in a voice of agony, "blow me up! blow me up! for God's sake blow me up! will nobody blow me up!" Had the old lady actually exploded, I must have done as I did, roll on the floor in a fit of inextinguishable laughter, with half the witnesses of the scene for my companions. The boat was stopped, the fire got under, and not the least difficult operation, the fat lady's alarm subdued. The next day we landed her at her place of destination, since which time I have never seen her, but the recollection of the scene has cost me many a fit of the side ache."

"Man is sent naked into the world—feeble and helpless—unendowed with the wings of the bird, the swiftness of the stag, the tortuous speed of the serpent; without means of defence against the claws or darts of an enemy, nay, against even the inclemency of the weather. He has no shell, no fleece, no covering of fur: nor even a den or burrow for his hiding place. Yet by force of his natural powers, he has driven the lion from his cave, despoiled the bear of his shaggy coat for a vestment, and the bull of his horn to form a drinking cup. He has dug into the entrails of the earth, to bring forth elements of future strength; the very eagle, in traversing the skies, finds himself struck down in the midst of his career, to adorn his cap with the trophy of distinction."

Clover Seed.
20 BUSHELS RED CLOVER SEED, a first rate article, for sale by
J. & R. SLOAN.
March 22d, 1841.

PLOUGHS—PLOUGHS.
I KEEP constantly on hand, PLOUGHS, of every size, manufactured at the shop of David Beard, Deep River, Guilford Co., N. C.
JESSE H. LINDSAY.
Greensboro', Aug. 1840.

BLANKS
OF various descriptions in common use printed neatly on good paper, and well pressed, for sale at this office, on reasonable terms.

JUST received and for sale on consignment, a quantity of Spirits Turpentine, which will be sold at 75 cents per Gallon.
McCONNEL & LINDSAY.
June 20th, 1840. 19—tf

WE have for sale, one first rate Iron frame Sulkey, also one splendid Buggy large enough for two persons, which will be sold low for cash or on time with approved note.
McCONNEL & LINDSAY.

OUR SPRING SUPPLY.

THE subscribers are now receiving and opening their stock of **SPRING AND SUMMER GOODS,** which added to their former stock, makes their assortment very good. They respectfully invite all persons wishing to purchase to give them a call and examine their stock, and promise that every reasonable inducement to purchase will be offered by them, as they are determined to sell low for cash or on reasonable time and terms to punctual dealers.
RANKIN & McLEAN.
Greensboro', April, 1841. 11—S

DAVIDSON PLANK.
I HAVE for sale a small lot of Davidson Plank: FLOORING, CEILING, and WEATHERBOARDING.
JESSE H. LINDSAY.
May 17, 1841.

Just received and for Sale,
1200
L. B. Rio Coffee,
1 hoghead Sugar,
Also, a quantity of good WOOL.
RANKIN & McLEAN.
June, 1841.

State of North Carolina,

GUILFORD COUNTY.
William Hanner
vs.
John Armfield & others.

Swain & his wife Betsey, are hereby notified, that at the office of Ralph Gorrell in the town of Greensborough and county of Guilford in the State of North Carolina, on Monday the eleventh day of October next, I shall take the depositions of David Armfield, Shannon Wiley, and others, to be read as evidence in the suit now pending in the Court of Equity for Guilford County in which I am plaintiff and they and others are defendants, when and where they can attend and cross examine if they think proper.
WILLIAM HANNER.
July 3rd, 1841. 21-9

State of North Carolina,

CASWELL COUNTY.
Court of Pleas and Quarter Sessions,
July Term, 1841.

Joseph Brockin & wife
vs.
Zachariah S. Hooper & others, (Dower.

IN this case it appearing to the satisfaction of the Court that the Defendants, John Hooper, Martha Motley, and Henry Henley and his wife Eliza, reside beyond the limits of this State,—It is ordered by the Court that publication be made according to Law for six weeks in the Greensborough Patriot for the said Defendants to appear at the next term of our said court, to be held for said county, at the courthouse in Yanceyville on the first Monday after the fourth Monday of September, 1841, then and there to answer and defend the said Petition, otherwise the Petition will be heard ex parte as to them, and the Prayer of the Petitioners be granted according to Law.
Test,
PAULA A. HARALSON, Clerk.
August 10, 1841. Pr. adv. \$5. 28-4

State of North Carolina,

GUILFORD COUNTY.
Court of Pleas and Quarter Sessions,
August Term, 1841.

Samuel Dwiggins
vs.
John M. Bennett & Stephen R. Neal.

IN this case it appearing to the satisfaction of the Court that the defendant Stephen R. Neal is not an inhabitant of this State, it is therefore ordered by the Court,—That advertisement be made in the Greensborough Patriot for six weeks, notifying him the said Stephen R. Neal, to appear at the next term of our said court to be held for the county of Guilford at the courthouse in the town of Greensborough on the third Monday of November next, then and there to answer, plead and demur, or judgment by default final will be entered against him, and an order of sale granted.
Witness, John M. Logan, Clerk of our said Court, at Office the third Monday of August, A. D. 1841.
JOHN M. LOGAN, c. c. c.
Pr. adv. \$5 00 30-6w.

State of North Carolina,

GUILFORD COUNTY.
Court of Pleas and Quarter Sessions,
August Term, 1841.

Benjamin Walker, Lewis Walker, Miles Field, Edward Field, Emory Field, children of Susan Field, deceased, Raley Jones, Eli Garrett and Betsy his wife, Ruth Broadlove and Belinda, living children and heirs at law of Rebecca Jones, deceased.

Robert Walker, the three children of Charity Moser, deceased, Simeon Radley and Aisley his wife.

Petition for partition of Land.
IN this case it appearing to the satisfaction of the Court that the defendants, Robert Walker and Simeon Radley and wife, are not inhabitants of this State,—It is therefore ordered by the Court, that advertisement be made for them for six weeks in the Greensborough Patriot, notifying them the said Robert Walker and Simeon Radley and wife, to appear at our next Court of Pleas and Quarter Sessions to be held for the county of Guilford, at the courthouse in the town of Greensboro', on the 3d Monday of November next, then and there to answer the petition of the petitioners, or an order of Court will be made to make partition of said Land.
Witness, John M. Logan, Clerk of our said Court, at office the third Monday of August A. D. 1841.
JOHN M. LOGAN, c. c. c.
Pr. adv. \$5 60. 30-6w

TO MILL OWNERS and Mill Wrights
WE have just received a large assortment of the Anchor Bolting Cloths, which we will sell lower than they have ever been sold in this country. We will say to any gentleman buying of our cloths, that we will warrant them in every respect to be the genuine Anchor Cloths. Should any of these cloths not prove what we recommend them to be we will return the money in every instance. The time has been when mill owners would have to pay from fifty to one hundred dollars—just compare them with our present prices, and you will buy a new cloth without any further ceremony. From No. 6 to No. 10.
All we ask of you is to call and examine our cloths before you purchase elsewhere.
McCONNEL & LINDSAY.
December, 1840.

TWENTY DOLLARS REWARD,

RANAWAY from the subscriber, on the 8th inst., a negro fellow named AUSTIN, belonging to the estate of Alfred Bethel, dec'd., of Danville, Va. He is a tall fellow, of black complexion, very intelligent, 35 or 40 years of age, and a coach blacksmith by trade. It is supposed he has papers showing that he is free; or that he is travelling by his old permit from his master to get work; or that he is aiming to get to a free State.—The above reward will be given to any person who will deliver said fellow to me, or confine him in jail so that I get him again.
THOMAS THOMPSON.
Thompsonville, Rockingham, N. C. } 24-4f
July 20th, 1841.

25,000 LBS. IRON, manufactured by the King's Mountain Iron Co., embracing every variety of size usually demanded in this market, for sale at prices that cannot fail to please. J. & R. SLOAN.
Greensborough, August 7, 1841.

PROSPECTUS OF THE

MOUNTAINEER.

THE subscriber—believing that the large and intelligent portion of North Carolina embraced in the 13th Congressional District, composed of the counties of Fredell, Surry, Wilkes, Ashe, and part of Caldwell, is in need of a newspaper, and is fully competent to its support—proposes to publish in the town of Wilkesborough a weekly paper under the above title. While every other District in the State has within it two or more such organs of information, the Thirteenth is entirely destitute, and dependent on the others.—Why is this so? Surely, not because the people are not able and willing to support one! It must be because a fair trial has never been made. The subscriber expects to make this trial, and unhesitatingly throws himself upon the spirit and liberality of the Five Thousand Whigs of the District for support.

During the late contest for the Presidency, the subscriber lent his humble aid to elevate General Harrison; and he will continue to advocate the peculiar tenets of the Whig party. More the limits of a prospectus will not permit him to say. In politics the paper will be temperate—but firm. It will fearlessly discuss all questions brought before the people—condemning measures which it may deem wrong, and approve such as may appear right, regardless of party considerations.

Although the Mountaineer will bear a character strictly political a portion of its columns will be devoted to spreading information on Agriculture before the Farmers—a feature which must render the publication more acceptable. To "the bone and sinew of the country" the subscriber looks, without fear, for aid.

Every exertion will be made to render the paper acceptable to the general reader, by giving due attention to other subjects, such as Foreign and Domestic News; the cause of morality and virtue; the arts and sciences; Polite literature; &c. &c.

But enough of promises. The subscriber requests the citizens of the 13th District to try him. If he should fail to give satisfaction, he will be content to forfeit their confidence and support.

TERMS.

THE MOUNTAINEER will be published at two dollars in advance, paid at any time within three months from the time of subscribing; two dollars and fifty cents if paid before the expiration of the year; or three dollars if payment be delayed until the end of the volume.

No subscription taken for less than one year; and a failure to order a discontinuance at the end of the year, will be looked upon as a new engagement.

No paper will be discontinued, unless at the option of the Editor, until all arrearages are paid.

Any person procuring five responsible subscribers shall receive a sixth copy gratis.

No paper will be sent out of the State unless payment be made in advance.

ALFRED A. BAKER.
August 27, 1841.

PIANO FORTES, GUITARS, VIOLINS, VIOLIN STRINGS, &c.

THE Subscribers would respectfully announce to their friends and acquaintances in Greensborough, and throughout North Carolina, that they have now on hand a large assortment of NUNN & CLARK'S Piano Fortes, which, for brilliancy of tone and unparalleled touch and durability, are not surpassed. They wish to say, that they will not demand pay for any Piano sold, until it is tried by the Purchaser, for which they will allow any reasonable time. They have also Violins of a superior quality, from \$1 50 up to \$50; a large selection of superior Violin Strings; Guitar Strings; all kinds of Wind Instruments for Military Bands, as Horns, Bugles, Flutes, Trombones, Serpents and Bells; Superior Flutes and Flageolets, single and double; French Accordions, of a pattern and tone never before seen here; Drums & Bass Drums, of all dimensions; an assortment of superior Guitars, together with the largest assortment of MUSIC ever before imported here.

The subscribers will be glad to furnish Schools and others with Music; and being both Teachers of the Piano Forte, they hope to be enabled to select for their friends what is agreeable and pleasing, useful and improving. They respectfully solicit the favor and patronage of the Ladies and Gentlemen of Greensborough, and throughout the State North Carolina.

CHARLES BERG & CO.
Petersburg, Va. March 31, 1841. 13-9

SEVENTEEN PIANOS FOR SALE BY

E. P. NASH,
PETERSBURG, VIRGINIA.

UPON THE FAIREST TERMS POSSIBLE.

TAKE the instruments and try them: if good, keep them; if not, return them without paying for them.

As some Pianos are far superior to others, and as purchasers generally are but little acquainted with the difference in them (inside), it seems to me that, in getting so costly an article, too much caution cannot be observed.

Many persons are perfectly satisfied with the instruments they have purchased, until a friend or neighbor gets one which is considered superior, and then they wish they had been more particular.

There is no necessity for any thing farther than a hint in price, in any order which may be sent.
E. P. NASH.
December, 25, 1840. 46 tf

WIRE CLOTH.

I HAVE just received a lot of Wire Cloth suitable for wheat fans, rolling screens and meal sieves.

Also a lot of hand sieves for wheat, sand, lime, &c.
JESSE H. LINDSAY.
April, 1841.

Varnishes &c.

Coach Varnish—superior quality.
Copal Varnish, do.
Black Varnish, do.
Alcohol by the gallon.
For sale by WEIR & LINDSAY.
Greensboro', Aug., 1840.

4 Bbls. Herrings,

For Sale by
JESSE H. LINDSAY.
July 26, 1841.

NEW GOODS.

T. CALDWELL & SONS have just received a supply of
GROCERY,
Shoes, Writing paper, Straw Hats, Rice, &c.
August, 1841

GOODS,

and Musical Instruments.

THE subscriber has purchased and is now receiving a general assortment of merchandise, consisting of

FANCY DRY GOODS, HARDWARE, HATS, BONNETS, SHOES, PAINTS AND DYE STUFFS, GROCERIES, &c.

which he will sell low for cash, country produce or on short credit to punctual customers. He invites all to call and see if they are not as cheap as any goods that are sold at 25 per cent.

He is agent for Charles Berg & Co. to sell their Music and Musical Instruments, which he expects to keep constantly on hand—such as Pianos, of Nunn & Clark's make, (acknowledged to be the best,) Guitars, Violins of a superior quality, Clarionets, Flutes, Fifes, and every other variety of musical instruments.—Instructors and Strings.

A very fine Rosewood Piano now on hand.
J. A. MEBANE.
Greensborough, August, 1841. 25-4f

VALUABLE LANDS FOR SALE.

THE subscriber offers for sale his Farm where he now lives, in Kernersville, Stokes county, N. C., on the stage road from Salem to Greensborough, 11 miles from Salem, and also on the main road from Salisbury to Danville, Va. It is a pleasant situation, with a large frame Dwelling well calculated for a public house; a Barn 46 by 34 feet; Stables, and all other out buildings necessary; a Store-House, and counting-room with a good chimney, lumber-house, &c. All the buildings are entirely new.

And also a Farm on Reedy Fork, containing 210 acres; a large proportion of first rate Bottom land in good order; a Dwelling house; Barn, Stables, &c., and a first rate Orchard. This lies two and a half miles from Kernersville, on the stage road from Salem to Greensborough.

As I am desirous to sell, I will sell one or both these farms on very accommodating terms. It is considered a very healthy part of the country, well situated for public business. Those wishing to purchase would do well to call as soon as convenient.
C. GURLEY.
Kernersville, 8th mo. 24th, 1841. 29-4

A New Business

IN GREENSBOROUGH.
THE subscriber takes this method of informing the citizens of Guilford and the public in general, that he has commenced manufacturing

Wool Carding Machines,

both single and double, and has no doubt in saying that they will be equal to any manufactured in the United States, as he has employed a first-rate workman to carry on the business; and any person who has an idea of purchasing can ascertain the ability of the manufacturers by examining their work.

It is the design of the proprietor to have two or three machines ready for the ensuing spring crop of wool, and as he has been at considerable expense in procuring the best materials that old Guilford can produce, he solicits the patronage of all those who wish to purchase machines. Old machines can be repaired here, and any orders from a distance will meet with prompt attention.

N. B.—The proprietor is connected with his establishment a SMITH SHOP, and is prepared to do all kinds of smithing usually done in this country.

A. E. LYNN.
Feb. 16, 1841. 1-4f

BARGAINS.

Coaches, Chariot, Barouches, Buggies, Sulkeys, Carriages, &c., &c., ON hand, and built to order, of any quality wanted, on short notice. A large stock on hand.

Old Carriages taken in exchange; all repairs done; and prices very low. Payments required in cash, good bonds, country produce, or any thing else that can be agreed on.

Patronage respectfully solicited, and punctuality and faithfulness pledged by
THOMAS THOMPSON.
Thompsonville, Rockingham, N. C. April, 9, 1841 } 10-4f

Fruits, &c.

English Currants, Filberts, Citrons, Cream Nuts, Prunes, Almonds, Figs, Soda, & Sugar Crackers, Bunch Raisins, Tamarinds, Walnuts, Candies, assorted.
For sale by WEIR & LINDSAY.
Greensboro', Aug., 1840.

Anchor Bolting Cloths.

I HAVE just received a fresh supply of BOLTING CLOTHS, new and of the best quality, from No. 1 to No. 10. Millers and Millwrights are respectfully invited to examine them.
JESSE H. LINDSAY.
October, 1840.

PINE SHINGLES.

6100 PINE SHINGLES, for sale by
JESSE H. LINDSAY.
June 1841.

For sale by Weir & Lindsay,

Compound Fluid Extract Pinkroot, do. do. do. Sarsaparilla, do. Syrup of Liverwort, Butler's Effervescent Magnesia, Turlington's Balsam of Life, Weaver's celebrated Worm Tea and Salve, Greensboro', Aug., 1840.

Garden Seeds,

FRESH and genuine—the growth of 1840—just received and for sale by
WEIR & LINDSAY.

67- Weir & Lindsay also expect to receive in a short time, an assortment of annual, biennial and perennial flower seeds, together with a variety of bulbous roots.
January, 1841.

Quinine!!!

PURE Sulp. Quinine. (French preparation.) For sale by WEIR & LINDSAY

FIFTY THOUSAND ACRES

OF SWAMP LAND FOR SALE.

THE President and Directors of the Literary Fund of North Carolina, to whose care and management was committed by law, an appropriation of \$200,000, for making an experiment in draining and reclaiming the Swamp Lands belonging to the State, having succeeded in part, do now make known, that in pursuance of the authority vested in them by the General Assembly, a Public Sale of a portion of said Land, will take place on the premises, on the last day of November next.

The body of Land reclaimed and now offered for sale, embraces about 50,000 acres; is situated in the county of Hyde, and State of North Carolina, and divides the waters flowing into the Albemarle, from those that run into Pamlico Sound.

The drainage, conducted at different periods by two scientific Engineers, Messrs. Chas. B. Shaw, and Walter Gwynn, has been effected by two main drains, called Pungo and Alligator Canals, together with sundry Tributaries or lateral ditches.

Pungo Canal is about six and a half miles long, with an average width at bottom of 22 feet, depth of 6 feet, and fall at bottom of 12 feet.

Alligator Canal is about 6 miles long, with an average width at bottom of 30 feet, depth of 7, and fall of 10 feet.

These Canals empty into the navigable waters of Pamlico Sound, and are accessible by Vessels engaged in the Coasting Trade.

A large portion of this land abounds in Juniper, Cypress and other timber of the best kind. Another portion consists of Prairie, covered with Cane and Bamboo, and according to the Report of the Engineers above named, the soil is of surpassing fertility.

The sale will be by Public Auction to the highest bidder, in quarter sections of 160 acres each; will take place at Pungo Canal on Tuesday, the 30th day of November, next, and will be conducted by the President and Directors of the Literary fund in person.

A credit will be given to Purchasers of one, two and three years, on Bonds with approved security, and titles withheld until the whole of the purchase money be paid.

Given under my hand at the Executive Office, in the City of Raleigh, on the 30th day of August, A. D. 1841.

JOHN M. MOREHEAD,
Gov. of State, and
Ex officio, President of the Board.

By order,
P. REYNOLDS,
Secretary.

\$20 REWARD.

RANAWAY from the subscriber on the 30th of June last, a negro man by the name of BOB, 25 or 30 years of age, 5 feet 5 or 6 inches high, and weighing 160 or 170 pounds, inclining to be a little of a yellow complexion. He formerly belonged to James Long, and was sold by the administrators of said Long about ten years ago. He is well known in the neighborhood of Rockingham. It is probable he may have obtained forged papers and will attempt to make his way to one of the free States. I will give the above reward for his apprehension and confinement in any jail, or otherwise, so that I get him.
ALLEN McCASKILL.
Stewartstown, } Aug. 12, 1841. 28-4f
Richmond co., N. C.

FOR SALE.

1000 LBS COFFEE,
1500 Brown Sugar,
1 hhd. Molasses,
1 bbl. Copperas,
1 " Lamp-Black,
1-2 " Alum,
1 Keg Powder,
5000 lbs. Mountain Iron,
600 " Feathers,
600 " Tallow,
150 " Candles,
200 yds. Tow Cloth.