

MISSISSIPPI DEMOCRAT.

"THAT GOVERNMENT IS BEST WHICH GOVERNS LEAST."

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Miscellaneous.

BREAKING A BANK.

BY SOL SMITH.

Captain Summons is a very clever fellow—and the "Dr. Franklin" was a very superb boat, albeit inclined to rock about a good deal, and nearly turn over on her side when visited by a breath of air in the least resembling a gale. Capt. Summons is a clever fellow. All steamboat captains are clever fellows—or nearly all; but what I mean to say is, Capt. Summons is a particularly clever fellow—a clever fellow in the widest sense of the term—a fellow that is clever in every way—anxious that his passengers shall be comfortably bestowed, and well fed and well attended to—and determined that they shall amuse themselves "just as they d—d please," as the saying is. If he happens to have preachers on board, he puts on a serious countenance of a Sunday morning—consents that there shall be preaching—orders the hymns to be set out, and provides himself and hymn-books for the occasion—himself and officers, whose watch is below, taking front seats and listening attentively to the discourse. Likely as not, at the close of the service, he will ask the reverend gentleman who has been officiating, with his back in close proximity to a hot fire in a Franklin furnace, to accompany him to the bar and join him in some refreshments! If there are passengers on board who prefer to pass the time away in playing poker, ure, brag, backgammon, or whist, tables and chairs are ready for them, too—poker, brag, ure, and whist be it! All sorts of passengers are accommodated on the Dr. Franklin—the rights of none are suffered to be infringed;—all are free to follow such employments as shall please themselves. A dance in the evening is a very common occurrence on this boat, and when collations are on the carpet, the captain is sure to be there.

It is sometimes the case that at the commencement of a voyage, it is found somewhat difficult to reconcile all the passengers to the system of Captain Summons, which is founded on the broad principle of equal rights to all. On the occasion of my voyage in the "Doctor," in December, 1844, I found myself surrounded by a crowd of passengers who were entire strangers to me—a very rare occurrence to one who travels so often on the Western rivers as I do. I wished my absence from New Orleans to be as brief as possible, and the "Doctor" was the fastest boat in port at the time of my leaving the crescent city; so I resolved to secure a berth in her, and trust in luck to find a St. Louis boat at the mouth.

I don't know how it is, or why it is, but by strangers I am almost always taken for a preacher. It was so this voyage.—There were three Methodist circuit riders on board; and it happened that we got well acquainted, and were a good deal together—from which circumstance I was supposed to be one of them; which supposition was the means of bringing me into an acquaintance with the lady passengers, who, for the most part, were very pious, religiously inclined souls. We had preaching every day, and sometimes at night; and I must say, in justice to brothers Twichel and Switchel, that their sermons were highly edifying and instructive.

In the meantime a portion of the passengers "at the other end of the hall" continued to play sundry games with cards, notwithstanding the remonstrances of the worthy followers of Wesley, who frequently requested the Captain to interfere and break up such unholy doings. The Captain had but one answer—it was something like this: "Gentlemen, amuse yourselves as you like; preach and pray to your heart's content—none shall interfere with your pious purposes; some like that sort of thing—I have no objection to it. These men prefer to amuse themselves with cards; let them—they pay their passage as well as you, gentlemen, and have as much right to their amusements as you have to yours, and they shall not be disturbed. Preach, play cards, dance collations—do what you like, I am contented;

only understand that all games (preaching among the rest) must cease at 10 o'clock." So we preachers got very little comfort from Captain Summons.

Up—up—up we went. Christmas day arrived. All the other preachers had holden forth on divers occasions, and it being ascertained that it was my intention to leave the boat on her arrival at Cairo, a formal request was preferred that I should preach the Christmas sermon! The Ladies (God bless them all!) were very urgent in their applications to me. "Oh do, brother Smith! we want to hear you preach! All the others have contributed their share to our spiritual comfort—you must oblige us—indeed you must." I endeavored to excuse myself the best way I could, alleging the necessity of my leaving the boat in less than an hour—my baggage was not ready—I had a terrible cold, and many other good and substantial reasons were given; but all in vain—preach I must. "Well," thinks I, "if I must, I must." At this crisis, casting my eyes down towards the Social Hall, and seeing an unusual crowd assembled round a table, I asked one of the brethren what might be going on down there? The fattest of the preaching gentlemen replied, "The poor miserable sinners have filled the measure of their iniquity by opening a FARO BANK!" "Horrible!" exclaimed I, holding up my hands—and "horrible!" echoed the ladies and missionaries in chorus. "Cannot such things be put a stop to?" asked an elderly lady, addressing the pious travellers. "I fear not," groaned my Methodist cotemporary, (the fat one.) "We have been trying to convince the Captain that some dreadful accident will inevitably befall the boat, if such proceedings are permitted—and what do you think he answered?" "What?" we all asked, of course. "Why, he just said that inasmuch as he permitted us to preach and pray, he should let other passengers dance and play cards, if they choose to do so; and that if I didn't like the 'proceeding' I complained of, I might leave the boat! Yes—he did, and moreover he mentioned that it was 11 o'clock, and asked me if I would not 'liquor'!" This announcement of the Captain's stubbornness and impiety was met with a general groan of pity and sorrow, and we resumed the conversation respecting the unhallowed faro bank. "It is much to be regretted," remarked the elderly lady, who had spoken before, "that something can't be done—Brother Smith," she continued, appealing directly to me, and laying her forefinger impressively upon my arm, "cannot you break up that bank?" "Dear madam," I answered, "you know not the difficulty of the task you impose upon me.—FARO BANKS ARE NOT SO EASILY BROKEN UP as you imagine; however, as you all appear so anxious about it, if you'll excuse me from the sermon I'll see what can be done." "Ah! that's a dear soul!"—"knew he would try!"—"he'll be sure to succeed!"—"our prayers shall not be wanting!" Such were the exclamations that greeted me, as I moved off towards the faro bank. Elbowing my way into the crowd, I got near the table in front of the dealer, and was for a time completely concealed from the view of my pious friends near the door of the ladies' cabin. I found the bank to be a small affair. The betters were risking trifling sums, ranging from six to twenty-five cents.

"Mr. Dealer," I remarked, "I have come to break up this bank." "The deuce you have!" replied the banker,—"let's see you do it." "What amount have you in bank?" I inquired. "Eleven dollars," was his answer. "What is your limit?" asked I. "A dollar," he replied. "Very well," said I, placing a ragged Indiana dollar behind the Queen, "turn on." He turned, and the King won for me. I took the two dollars up, and let him make another turn, when I replaced the bet, and the Queen came up in my favor—I had now four dollars; which I placed in the square, taking the 5, 6, 7 and 8, and it won again! Here were seven dollars of the Banker's money. I pocketed three of them, and bet four dollars behind the Queen again—the jack won, and the BANK WAS BROKEN! The crowd dispersed in all directions, laughing at the breaking up of the petty bank, and I made my way towards the ladies' cabin, where my new friends were anxiously awaiting the result of my bold attempt. "Well, well, well," they all exclaimed—"What success? have you done it? do let us hear about it!" I wiped the perspiration from my brow, and putting on a very serious face, I said solemnly: "I HAVE BROKEN THAT BANK!" "You have!" they all exclaimed. "Yes, I'll be d—n if he hasn't!" muttered the disappointed gamester, the keeper of the late bank, who was just going into his state-room. In the midst of the congratulations which were showered upon me, I received a summons from the Captain to come forward with my baggage—we were at Cairo. [St. Louis Reveille.]

It is said that the Canadian French are, nineteen out of twenty, for the annexation of Canada to the United States.

BABY-PHOBIA.

THE OLD BACHELOR AGAIN.—Old Musty has changed his name. The barbarian has smuggled an alias; but we know him, despite his devices to conceal himself.—He is the same unfeeling brute who ridiculed "anxious mothers" for taking their infants—those blessed things—to the opera last winter, as if a squall in the boxes did not help out the orchestra consumedly.—He was for putting whistling boys down, and indeed set himself up as a censor of manners. As well might one sweeten coffee out of a vinegar cruet, as adapt society to the whims of a sterile member thereof. He has been courting of late, and because he got jilted, he blackguards babies again—those tender endearments that are not visible in the perspective of his useless life. He calls himself "Cælebs" now, and disguises his chirography. But we know him. We publish his scurrility upon the blossoms that blow in the nursery of life, to show how much mercy there is in the world; for surely if justice were done him, he would be lopped off and cast into the fire as a specimen of animated botany that bears no fruit. Hear him: [N. O. Pic.]

Heaven knows I am not a misanthrope, still less a misogynist! but something in my idiosyncrasy has certainly made me a mis—psha!—in plain English, I am a baby-hater.

"The nasty heartless old brute!" exclaims some lady reader of a certain—or, perhaps, uncertain—age.

Brute, if you will, ma'am, though not old—perhaps, young enough to be your son. But before you condemn me, hear whether my sufferings are not my justification. The relation of one misery out of many will be sufficient.

I was lately invited to pass a few days at the residence of a friend in the country. It was a plain, unpretending mansion—such as you may see on any plantation of the South—standing near a cool, shadowy river in the blue forests, and embowered among trees—the very place for a retreat in the hot, lazy days of summer. I arrived in the cool of the morning, with some of the family, and met a kind reception from the ladies of the house, to whom I was not entirely a stranger. They were amiable, beautiful and accomplished, and in their society the day passed most delightfully.

As evening approached, a drive was proposed, and the old family carriage "presently made its appearance. A queer-looking, rickety affair it was,—nineteen years in service, and now almost tumbling to pieces with age; but as I am neither ceremonious nor fastidious, it seemed the very thing for our expedition.

We got in—three ladies, myself, and a pretty little romp about eight years old—one of the gentlemen acting as driver; all in high spirits, and with every prospect of a pleasant excursion. But judge of my horror, when, at the foot of a declivity, the carriage stopped, and a black nurse, who had been sitting by the stream, came up with "Missus, hea's Evy." At once the arms of my fair companions were stretched forth to grasp the treasure. I was in for it—there could be no retreating.

"Is'n't she, pretty, Mr. S.?" exclaimed one.

I am a voracious man, so I stammered forth my real opinion.

"Not pretty? Itty booty, he call'oo no pretty. Bad man, kiss'um." And the thing completely beslobbered my face.

A bottle of sugared milk, with some bread and meat in an old newspaper had been handed in, and one of the first operations was to cram the darling, who now completely engrossed attention.

"Itty bit, eat itty bit. Nice milk, dink. Dinky, dinky."

The pewter tea-cup was emptied and the stuffing recommenced. Presently the angel's dissatisfaction was manifested by a prolonged squall.

"She's teething, poor thing," observed one. "Toofans hurt it? Let Annie feel toofan, deary."

A violent kick and squall was the answer, accompanied by an unequivocal stretching of the darling's arms towards myself. My flesh fairly crept.

"Is dat fady? Wantee to go to fady?" Mr. S. she wants to cultivate your acquaintance." And with these words the animated lump of dirty white fat was deposited directly on my lap!

"Dere now, itty ma'am you satisfied?—Dodo."

"Itty ma'am" replied by a vehement yell.

"Want bread? dood bread." But the bread was rejected, with a cry for meat; and lumps of ham fat were accordingly deposited, partly in the child's open mouth, but liberally on my new ash-colored inexpressibles. A fit of coughing choking presently occasioned a resort to the milk bottle. Half a cup full taking the wrong direction was thrown back into my face in a shower, while at the same moment a vigorous kick upset and broke the bottle, scattering its contents over my Parisian frock, and slightly scratching the young cherub, who began to roar like ten bull-calves.—All was at once anxiety and confusion.

"Poor itty footy! Bottle hurt footens?—

Naughty bottle! See, bottle dead, done broke! Poor footens! now kiss and make it well."

The child was presently pacified. I stooped forward to pick up the remains of the bottle, when oh, horror! the urchin made a violent grab at my wig, a remarkably fine and natural looking one. Off it came, and in another instant was flung out into the mud beneath the wheels, and my bald cranium shown unprotected in the rays of the setting sun!

This was too much. The politeness of my companions could ill restrain their mirth. I had never before been suspected of baldness.

But our attention, hitherto monopolized by the angelic brat, was now attracted by the menacing appearance of the skies.—Our vehicle was turned homeward: but too late. Down came the rain, a perfect torrent, against which the tattered roof of our crazy conveyance could afford no protection. In five minutes we were drenched to the skin. But the squall without was nothing to that within. The food with which the interesting prodigy had been gorged sat uneasily on its stomach.—(the condition of my vest soon bore evidence of the fact)—and wet, sick, scared out of temper, I screamed like a steam-whistle. In vain did my companions, with inconceivable patience, essay to pacify it—screech followed screech.

My wits fairly deserted me; the last thing I remember was the breaking down of the carriage—a crash, a stunning blow, that seemed to come from the child—and I was insensible. I woke to find myself with a broken arm, under the surgeon's care. A three weeks' fever and delirium succeeded, during which I fancied myself in purgatory, tormented by infant imps.

On the third day of my recovery, one of the ladies entered. "Mr. S.—, I have brought baby to see you. Kiss um, tweet—kiss um, darling. Itty darlin, baby tweet, sorry for poor Mr. S.—"

The child's kiss smacked most nauseatingly of bread and butter, which I have loathed ever since.

In spite of my weakness, I took my departure that very day. If there are infants in heaven, it is no heaven for me.

CÆLEBS.

LATIN AND ENGLISH LOVE SONG.

BY DEAN SWIFT.

Mollis abuti, Moll is a beauty,
Has an acuti, Has an acute eye,
No lasso finis, No lass so fine is,
Molli diviniis, Molly divine is!

O mi de armis tres, Oh! my dear mistress,
I mi na dis tres, I'm in a distress,
Cantu disco ver, Can't you discover
Meas a lo ver? Me as a lover?

British feelings predominate in the National Intelligencer, the leading whig paper of the country. Proof of this may be found in the following notices—the first upon the death of Andrew Jackson; the second upon the death of a British officer. Both appeared in the Intelligencer on the same day:

"We learn by a passenger direct from Nashville that Gen. Jackson died on Sunday evening."

Had a dog died, less could not have been said of him.

"Then follows in the same column, the following notice:

"DEATH OF SIR RICHARD JACKSON.—The Montreal Courier announces the death of Sir Richard Downes Jackson, K. C. B., Lieut.-Gen'l commanding Her Britannic Majesty's forces in North America. He died on Monday the 9th inst., having been suddenly seized with apoplexy the day before, after attending divine service during the day in good health. He was on the point of embarking for Europe, having been relieved from his command, and the arrival of his successor, Lord Cathcart, being looked for in a few days. Sir Richard was (says the Courier) a good and brave soldier and a good man, who feared God and honored the King. He entered the army as ensign in 1794, and had participated in nearly all its severe service during the eventful period in which he held a commission."

Any comment is unnecessary. [Harford Times.]

PRINTING MAGNETIC TELEGRAPH.—There does really seem to be an Electro-Magnetic Telegraph in New York, which prints Roman letters about as fast as a compositor sets type. The editor of the Evening Post speaks of it as follows: "We have seen a specimen of printing done with the usual letters of the alphabet, as legible to a child as the clearest type, which was executed at one end of a magnetic wire, through a direction given at the other. It is true, as incredible as the statement may seem to be, that a man might if the wires were laid, now sit at New York, and with more rapidity than our best compositor can set type, print at New Orleans a letter or despatch in the ordinary letters of our language."

[Old Dominion.]

LETTER OF JEFFERSON DAVIS, ON THE BRISCOE BILL.

"BRIERFIELD," 5th July, 1845,
To the Editor of the Sentinel:

Sir—In your paper of the 30th ultimo, I find a communication calling on me for my views in relation to the bank act, commonly known as the "Briscoe Bill."—Your correspondent attaches to my opinions a value to which they are not entitled, and attributes to me an influence I certainly do not possess. Others, as I have been informed, also desire from me such a statement, and as I have no opinions which I wish to conceal, they are herewith submitted, with no other hesitation that which arises from unwillingness to appear before the public, and with no other request than that this answer shall not be construed into an admission of my being a candidate for any office.

Of the question, in its strictly legal character, I am not able to judge, and will not offer an opinion. As a measure of policy and justice, every man's political right constitutes him an umpire, and every man's conscience must dictate the decision.

It seems to me that the question has been changed from its true nature, the rights of creditors against the obligations of debtors, into an issue of the banks against the country, and its laws. Were the latter the true question, I certainly have no favor or affection for the banks, which could draw me from my duty to the country. From my earliest inquiries into the policy of a paper currency, I have believed it to be an unqualified evil to an agricultural people, especially one like ourselves engaged in the product of a staple of export. As we sell for the currency of the world, if we have a local currency which is cheaper, we must pay the enhanced price for all that we buy, and thus lose the difference. Its action may be likened to selling by a large measure and buying by a small one.

To show that my opinion on the subject of bank forfeitures, is free from the bias of any personal interest, I will state that I have never owned a share of bank stock, nor borrowed a dollar from a bank.

The various opinions, in relation to this question, may be arranged in three classes: 1st, those who hold that when forfeiture is adjudged against a bank, all debts due to, and from it, shall be expunged, the personal effects ("escheat to") become the property of the state and the real estate revert to the original grantor. 2d, that after forfeiture, the state shall appoint a receiver to collect the assets of the bank for the benefit of the state. 3d, that after forfeiture of franchise, trustees shall be appointed under penal restraints, and with sufficient security, to collect the assets and dispose of the property of the corporation for the benefit of the creditors and stockholders.

Among the three classes, sir, I range myself. No one has openly contended for special legislation to relieve bank debtors; but it is argued that statutory provision is necessary to give effect to common law, the operation of which, a forfeiture being declared, is asserted to be to wipe out all debts due to and from a corporation.

The common law is the ancient customs, or immemorial usages of England, and there could have been no such usages in relation to banking corporations, for the simple reason that the thing did not exist among them. At the present day, the trade of banking is conducted in that country by private bankers, and joint stock companies, deriving their powers, and suffering their restraints, and penalties, under general acts of Parliament. They do not exist by special grants or charters, and so far as I have learned, are proceeded against in the same manner as a mercantile firm, which has committed an act of bankruptcy.

The bank of England is an exception to this remark, but there, the charter provides a mode for terminating its existence, and so far from allowing the government of England to pay its immense debt to that bank by a judgement of forfeiture, expressly provides that the debt shall be paid before the privileges granted be taken away.

Lawyers say that the common law is nothing more than the rules of reason, and justice; the definition must be wrong, if the common law will permit an agent to lend out the money of his employers to personal, or business friends, and then by an act contravening his duties as an agent, debar the employer from pursuing his money in the hands of the borrower, or if it will permit a banking corporation to throw its notes into circulation, and then, by refusing to redeem them, deprive the note holder of his remedy against the effects of the bank; or if it will release the debtor from the obligation of his bill given for the notes of a bank, and throw the loss upon the note holder who gave the debtor labor or property in exchange for the notes he had borrowed. If this be common law it is high time it were substituted by statutes accordant with the mandates of reason, and of right.

Forfeiture, as I have seen it treated in argument for the first and second class of opinion, constantly carries the mind back to the feudal system, with its Lord para-

mount. We have no original grantor of lands retaining revisionary rights, and nothing could be more preposterous, than that a man who had sold a house and lot to a banking corporation, should claim that the property for which he had been paid, reverted to him as the original grantor, whenever the bank should have forfeited its charter. Equally unjust would I hold an escheat to the state; the grant of the state was a corporate franchise, that, in accordance with the terms of the grant she may reclaim; but it is anti-American to seize the property of individuals; it is the plundering practice of British confiscation.

Our laws provide for the execution of a criminal, but it is contrary to the genius of our government to interfere with the rights of his creditors, or heirs. One of our earliest reforms was the expulsion from among us, of the English practice of confiscation, and attainder. I should be sorry to see in the minds of any, a wish to adopt a measure so germane to the expelled practice even against the now odious banks.

The law as it stands on the statute book, is expeditious, and seems adequate to protect the rights of all parties from the time the information is filed; after the bank has been condemned, there is no reprieve; after it has been executed, it cannot be revived. If the bill had stopped at the death of the corporation, it is by no means probable that the creditors, and stock holders would have abandoned their rights without a resort to the courts, and long cumbersome litigation, must have been the result.—The provision for the appointment of trustees, with the guards, and checks it contains, has made the law, so far as I can see, all that we want.

Already it has received a judicial decision in its favor, the statute stands the adjudicated law of the land, and I, for one, prefer to leave it undisturbed, until experience points out its defects.

Of the two classes, creditors and debtors, the former certainly have the higher claim to kind consideration. Legislation has interfered with the collection of their debts—thus they were prevented by special law from collecting off the debtors of the insolvent banks, any thing better than the paper of those banks; and, at a subsequent period, another law was passed prohibiting the banks from transferring its bills receivable, to satisfy the demands of a note holder. If we should now declare that the forfeiture of a bank charter expunges its debts, well may the creditor complain of our government as having locked up the assets of the banks until it was ready to apply the sponge to all from which he could hope indemnity.

Though our present condition forms an exception, it is nevertheless a general rule, that the few borrow, the many hold, the notes of the Banks; it surely must be elsewhere than in the ranks of the Democracy, that advocates are to be found, contending for the exemption of the few, by sacrificing the rights of the many.

Though I have, (to answer a position sometimes taken,) treated the subject as though a Bank under judgement of forfeiture was a convicted criminal, the reverse is generally known to be the fact. The Quo warranto is a civil proceeding; and a corporation, after forfeiture of its franchise, is analogous to a deceased person. After the death of a natural person suits could neither be brought or defended in his name, without a legal provision to that effect, and to my mind, the Trustees of a deceased (artificial person) corporation, are no more than the Administrators or Executors of a deceased natural person.

This answer, I hope, Sir, will suffice for all who thought they were entitled to my opinions, and desired their publication, as well as those who may have wished to submit me to this new political test; and I will now leave the subject where its discussion may be more profitably conducted, in the hands of those learned in the law. If, however, it shall be shown that the common law is such as has been represented, I cannot yield the opinions herein expressed.

My thoughts, my feelings, are American; to England, the robber nation of the earth, whose history is a long succession of wrongs and oppression, whose tracks are marked by the crushed rights of individuals—to England I cannot go for lessons of morality and justice.

Very respectfully, your friend &c.,
JEFFERSON DAVIS.

The Legislature of the State of Florida commenced its session on the 23d ult.—The Governor's inaugural is almost exclusively devoted to National politics. He avows his opposition to a National Bank, to a protective tariff, and to the distribution of the proceeds of the public lands.—All of which measures, he took occasion to declare, as the deliberate convictions of his judgment, were infractions of the Constitution, usurpations of the rights of the States, and apart from the Constitutional objection, unwise, inexpedient and impolitic. On the 1st instant, the two houses proceeded to the election of the two U. S. Senators, when Messrs. DAVIS LEWIS and JAMES D. WASCOTT (Democrats) were elected. [New Orleans Bulletin.]