

CHERAW GAZETTE.

CHERAW, S. C., TUESDAY, FEBRUARY 2, 1836.

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M. MACLEAN, EDITOR & PROPRIETOR.

Published every Tuesday.

TERMS.

If paid within three months, 3. 00
 If paid within three months after the close of the year, 3. 50
 If not paid within that time, 4. 00
 A company of six persons taking the paper at the same Post Office, shall be entitled to it at \$15, paid in advance, and a company of ten persons at \$25; provided the names be forwarded together, accompanied by the money.

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 Advertisements inserted for 75 cents per square the first time, and 37 1/2 for each subsequent insertion. Deductions made to those who advertise by the year, and to merchants.

Persons sending in advertisements are requested to specify the number of times they are to be inserted; otherwise they will be continued till ordered out, and charged accordingly.
 The Postage must be paid on all communications sent by mail.

RURAL ECONOMY.

Skinless Oats, and Ruta Baga.

Mr. L. Tucker—I have no other apology for addressing you, than that I last spring procured from Albany, two quarts Skinless Oats, (for which I paid one dollar.) I sowed them thin in order to procure as much seed from them as possible. On harvesting, I had 108 common sized bundles. I put them through my threshing machine, and cleaned up six bushels and four quarts, weighing 42 pounds per bushel. I am inclined to think that one bushel of seed will be sufficient for an acre, although I put on four of our common oats.

I fitted one hundred and seventy rods of, say three-fourths clay, remainder muck soil, for Yellow Swedish Turnips, in the following manner, viz:
 Ploughed, dragged and rolled 1 day, \$1,50
 After two weeks manured clay land
 1-3 days 12s., 2,00
 Next day ploughed, dragged & rolled 1,50
 June 16, ridged 27 inches apart and sowed with machine, 1,50
 1 lb. seed, 8s., put on 10 bushels lime as soon as turnips were out of ground, 2,25
 Sewing lime 4s., transplanting 12 rows, which on pulling could see no difference from those sowed, 1,50
 Passing through cultivator 4 days, 12s. 37 1/2
 Thinning and dressing out 4 days, 5s. 2,50
 Passing thro' cultivator 4 day, 12s. last dressing 2 days 5s., 1,62 1/2
 Pulling, topping and securing 2 men, 1 team, 4 days 17s., 8,50
 Interest on land, 3,00

Cr.—By 819 bushels turnips, 20 cts. 162,00
 26,25
 \$134,74

I have raised a small patch of Mangel Wurtzel which has done well.
 I would recommend to every farmer to take your useful paper, and cultivate one or more acres Ruta Baga.

Very respectfully,
 H. MERRILL,
 Hounsfield, Nov. 18, 1835.
 Genl. Farmer.

To extract Lamp Oil from Linen or Cotton.

As soon as possible after the oil has been spilt, take the article on which it fell and immerse it in clean cold water. After soaking awhile, the oil will begin to float upon the surface; when this takes place change the water. By thus renewing the water frequently during a few hours, the oil will be gradually and completely removed without rubbing or washing, and when dry, iron it, and no vestige of the oil will remain, nor any change of color be visible.

How to have Mince Pies any time.—Prepare your meat by boiling and chopping, as though it were for immediate use—mix it with a suitable portion of suet, spice and salt—then put it in an earthen pot, pound it down with a pestle, and then cover it over with the best of molasses, keep it where it will not freeze, and it will be fit for use any time. My wife has adopted the above course for four or five years, with perfect success; so that we have had mince pies made from meat killed in December, as constant in July following as in January, and quite as acceptable.—Maine Farmer.

To remove spots of Grease or Pitch from woolen cloth.—In a pint of spring water dissolve an ounce of pure pearlash, adding to the solution a lemon cut in small slices. This being properly mixed, and kept in a warm state for two days, the whole must be strained and kept in a bottle for use. A little of this liquid poured on the stained part, is said instantaneously to remove all spots of grease, pitch or oils, and the moment they disappear the cloth is to be washed in clear water.—Glasgow Mec. Mag.

Alabama and New York.

We last week promised the material parts of the correspondence between Gov. Gayle of Alabama, and Gov. Marcy of N. York, upon the subject of delivering the editor of the Emancipator to be tried by the laws of Alabama, for transmitting into that State by mail seditious publications from the State of New York; and we now comply with the promise.

Gov. Gayle transmitted with his demand a copy of an indictment "found by the grand jury" of Tuscaloosa county, from which it appears that the offence charged was that Robert G. Williams, "on the 10th day of September, &c., at and in the county aforesaid, feloniously, wickedly, maliciously, and seditiously, did cause to be distributed, circulated, and published, a seditious paper called the Emancipator, which

paper is published according to the tenor and effect following, that is to say"— [We omit the extract from the Emancipator, considering it seditious.]

GOV. GAYLE TO GOV. MARCY.

EXECUTIVE DEPARTMENT—ALABAMA.
 Tuscaloosa, 14th Nov. 1835.

Sir,
 I have the honor to transmit to you a demand, under the Constitution and laws of the United States, for Robert G. Williams, and a copy of an indictment recently found against him by the grand jury of Tuscaloosa county in this State, for attempting to produce insurrection and rebellion among our slave population, in the manner set forth in the indictment. It is admitted that the offender was not in the State when his crime was committed, and that he has not fled therefrom, according to the strict literal import of that term; but he has evaded the justice of our laws, and according to the interpretation which mature reflection has led me to place upon the Constitution, should be delivered up for trial to the authorities of this State.

My views, somewhat at length, are contained in a message which will be sent to the General Assembly, which convenes on Monday next, and I take the liberty to enclose a copy of so much of it as embraces this deeply exciting and interesting subject.—Should your Excellency concur with me in opinion, I have to request that Williams be arrested, and confined until I can find an agent to conduct him to Alabama.

I have the honor to be,
 Very Respectfully,
 Your obedient servant,
 JOHN GAYLE.

His Excellency Gov. MARCY.

Extract from Governor Gayle's Message, accompanying the Requisition.

We are told that public sentiment in the North is decidedly in our favor, and that the large and numerous public meetings which have been called throughout the non-slave-holding States, demonstrate that the majority is too overwhelming to be resisted; that with these favorable indications before us, we should not agitate this subject in the South, and that it is our duty to rely for safety upon the force of public opinion in that quarter.

Our northern brethren deserve and will command, our gratitude, for the interest they have taken in our behalf; and there can be little doubt that the majority against the abolitionists is very large; but this reasoning is wholly erroneous and delusive. He who believes that fanaticism can be put down by public opinion, has a very imperfect knowledge of human nature, and must be deaf to the lessons and admonitions of history. So far from this being the case, the opposition of public opinion is the aliment, the food that feeds, nourishes and sustains this dark and fiendlike passion. Of this, no stronger proof could be afforded than the success with which the efforts of the false philanthropists have been crowned; in opposition to the concentrated force of public opinion throughout the Northern States. Indeed they never acquired any considerable notoriety until this opposition commenced. Under its heaviest pressure, if the information we have received be correct, they have established 250 anti-slavery societies, and about thirty presses, from one of which they send forth weekly from twenty-five to fifty thousand incendiary pamphlets, and other similar publications. But a short while since, the whole population of the State of New York seemed to be roused to a sense of the dangers threatened by the machinations of these societies. The largest public meetings which had ever been convened were speedily assembled, from which issued the most eloquent and burning condemnation of the abolitionists; and yet in the very face of these proceedings, imposing as they undoubtedly were, they have called a convention of their associates from the several counties and districts in that State; and their leader, Tappan, and others, in numerous hand bills, have announced their firm and unshaken purpose of renewing with increased energy, their exertions in favor of immediate abolition. It is obvious therefore that we blindly and obstinately deceive ourselves if we entertain the belief that public opinion, unaided by the sanctions of the law, will have any other effect, than to strengthen the hands of this dangerous and insidious enemy. It has been improperly admitted by writers in the South, who have been engaged in discussing this subject, that the Constitution and laws of the United States, in regard to fugitives from justice, do not authorize a demand for the delivery of these incendiaries, to the States whose laws they have violated. This opinion has been embraced under the erroneous impression, that the rules of strict construction which with great propriety apply to certain parts of the Constitution, must necessarily apply to all others. They do not appear to have observed the obvious distinction between those provisions of this instrument which transfer powers to the General Government, and those which confirm and enlarge the rights of the States, as they existed previous to its formation. When the States achieved their independence, they had no rules to regulate their intercourse with each other, but such as could be derived from the law of nations. This law was laid down by Vattel in relation to offenders is, that a sovereign "ought not to suffer his subjects to molest the subjects of others or to do them an injury; much less should he permit them audaciously to offend foreign powers. He ought to oblige the guilty to repair the damage, if that be possible—to inflict upon him exemplary punishment, or, in short, according to the nature and circumstances attending it, to deliver him up to

be once admitted, the clause, as expounded by you, must be applied to all cases whatsoever, which fall within its operation. If a State can pass laws on the subject of slavery, making the acts of the citizens of other States, done within their respective States and while they are actual residents thereof, crimes against the State enacting such laws, and thereby acquire the right to have these citizens delivered to it for trial and punishment, the same State may pass laws on other subjects which will have the same effect, and establish the same right to demand the citizens of other States who may violate these laws, although they have never been within the limits of that State. The right to demand, and the obligation to deliver up, are co-extensive. In cases to which the constitutional right to demand attaches, there is not, and cannot be, any right in the Executive on whom the requisition is made to withhold the offender, whatever be the character of the act which is made a crime by the laws of the State demanding him. I have presented this view of the subject, not merely to exhibit the dangerous consequences that would be likely to result from adopting the construction you have given to this clause of the Constitution, and thence to deduce an argument against the presumption that the framers of that instrument intended to confer a right that in its exercise would produce such consequences; but I have considered the subject in this view, principally for the purpose of showing that the obligation on the part of the States to deliver up their citizens in such cases as the one you have presented, is an essential diminution of the powers which they would possess as independent sovereignties; and that the sound rule of construction which you properly concede to be applicable to those parts of the Constitution which transfer power to the General Government, applies with equal force and pertinency to such parts of it as destroy or transfer any portion of the sovereignty of the States. If the fact that this clause of the Constitution confirms and enlarges the rights of the States, as they existed before the formation of the General Government, constitutes as you contend, an argument in favor of giving it a liberal construction, is not this argument neutralized by the consideration that what it gives to the States in one respect, it takes away from them in another? If, by its clause, the right to demand fugitives is given to the States, in cases in which they had it not before the adoption of the Constitution, the correlative right to refuse, in such cases, to deliver up, which must then have existed in all the States, is also taken away by it. If your construction be correct, this clause has conferred the power on each State to pass laws that have an extra-territorial operation, and to prescribe rules to which the citizens of all other States must conform, or be subject to the criminal jurisdiction of every State passing such laws. This is undoubtedly enlarging the rights of the States in one respect, but it is a serious diminution of their sovereignty in another. It is more than enlarging former rights; it is conferring new ones; it is giving to some of the municipal laws of each State, an extraordinary character—a character that renders them obligatory beyond the territory of the sovereign power which enacts them. It is subjecting the citizens of all States to new duties, to be imposed upon them by a power to which they owe no allegiance, and under the jurisdiction of which they have never placed themselves. It is creating new obligations to be performed by the respective governments of the States.

GOV. MARCY TO GOV. GAYLE.

State of New York.
 EXECUTIVE DEPARTMENT,
 Albany, 8th Nov. 1835.

Sir,
 The requisition made on me by your Excellency for the arrest and delivery of Robert G. Williams, has been received, together with the documents and papers therewith transmitted; and I have given to the application the careful and mature consideration due to it on account of the high source from which it has emanated, and the very grave question which it presents for my determination. The crime imputed to Williams, is, "the wickedly and maliciously causing to be distributed and published a seditious paper in this State, [the State of Alabama,] maliciously designing and intending to incite the slave population thereof to insurrection and rebellion against their masters;" and it is alleged in the requisitions, that he "fled from justice and is now going at large in the State of New York."

The indictment charges Williams with having committed the crime in the county of Tuscaloosa, which is within the territorial limits of the State of Alabama; but in your letter to me, transmitted with the requisition, "it is admitted that the offender was not in the State [of Alabama] when his crime was committed, and that he has not fled therefrom, according to the strict literal import of that term." For any thing that appears to the contrary, and so I presume the fact to be, Williams, at the time he committed the offence, was, and still is, a citizen of the State of New York, subject to its laws, and entitled to the rights that belong alike to all its citizens.

The right on your part to demand him, and the duty on my part to deliver him up, if they exist, are given and imposed by that clause in the Constitution of the United States, which declares that "a person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime." Although it is conceded that Williams is not literally a fugitive from the State of Alabama, and nothing appears to show that he has ever been within its territory, yet, according to your construction of the clause of the Constitution above quoted, it is my duty to cause him to be delivered upon your requisition. Whether it be so or not, depends, as you conceive, upon the meaning to be given to the word flee, in that clause. I am favored with your exposition of that term, in that part of your message to the Legislature of Alabama which accompanied the requisition. After the best consideration I have been able to give your views, I am constrained to differ from you, both as to your rule of construction applicable to this clause, and as to the effect of the clause constructed by that rule.

In settling the proper principles of constructing this clause, we ought not to be influenced by the

other parts of that instrument which delegate powers. I certainly do not wish to restrict the range of this power. Limited as I conceive it to be, it is in my judgment very salutary in its operation, and I shall very readily give my aid in carrying it to its full extent; but no consideration can induce me to push it beyond what I deem its constitutional boundary. I am therefore compelled by my sense of duty to apply to this clause of the Constitution, the ordinary and generally approved rule of construing that instrument—the rule which gives to the language used therein its ordinary import.

I perceive you are aware of the difficulties which would result from the exercise of this power, if carried by construction to the extent you propose to give it. You have fairly stated the embarrassments under which the prosecutive power would labor in its proceedings against persons brought from other and distant States within its proper jurisdiction, and there tried for acts done in those States. There are other difficulties and danger, incident to the exercise of this power, not brought into view by you, which deserves serious consideration. What occurs daily in the ordinary course of criminal proceedings, may take place in regard to persons transported to a distant jurisdiction for trial. It may happen that an innocent man will be accused, and if demanded he must be delivered up, should your exposition of the Constitution be sanctioned. Under these circumstances, his condition would be perilous indeed. Dragged from his home; far removed from friends; borne down by the weight of imputed guilt; and unable probably to obtain the evidence by which he might vindicate his innocence; if appearances were against him, he could scarcely hope to escape condemnation.

The assumption of a similar power; and the application of it to the American colonists by their acknowledged sovereign, to whom they owed full and perfect allegiance, was regarded by them as an act of revolting tyranny; and assigned in the Declaration of Independence as one of the prominent causes that had dissolved the bands by which they were united to the British King and nation. This consideration renders it to my mind, very improbable that the framers of the Constitution (almost all of whom were revolutionary patriots) intended to confer on each state the right to cause the citizens of all others to be transported out of their own State to be tried for acts done at home; and I cannot resort to a loose construction for the purpose of extracting such a power from the sacred instrument which emanated from their wisdom and experience.

It is a subject of serious regret to me that I am obliged to differ from your excellency as to the rule of construction; but, if it were otherwise, I think the result of the application you have made to me would be the same. I am apprehensive, and I say it with all due respect, that any reasonable rule of liberal construction would not extend this provision relative to fugitives so as to bring the case of Williams within its operation. If we could, by the force of liberal construction, and without unwarranted license, give to the word "flee," in this clause, the same meaning as the ordinary import of the word "evade," as you propose, it would not, in my opinion, remove the difficulty that attends the present application. The meaning of the word "evade," as its etymology indicates, is to go from, and if it be assumed that "flee" is of equivalent import to the word "evade," and this word, or some of the expressions commonly used in defining it, should be substituted for terms, "flee" and "fled" in this clause of the Constitution, such an alteration of its language would not so far extend its operation as to impose on the Executive of any State the obligation to deliver up an offender in a case similar to the one you have presented to me. To satisfy the word "evade" if it were substituted for "flee," the offender must have done some act with a view to elude or escape from justice, and must have gone from the offended State, before he could be brought within the operation of the clause in question. It does not appear in this case that Williams has (and therefore the legal presumption is that he has not) done any act whatever to evade or in manner to escape justice, and it is conceded that he has not escaped or gone from the State of Alabama. The substitution of "evade" for "flee," by a rule of liberal construction, does nothing to advance the purposes of this application, unless a rule of still more liberal construction is applied to the substituted word "evade," which would give it an import equivalent to the phrase neglect or refuse to surrender voluntarily; and that part of the clause which speaks of the "State from which he fled," is regarded as entirely nugatory in this case. Such a license in construing the Constitution would effectually destroy all the restraints and limitation it imposes, and make it the source of all power that might be desired to evade the rights and sovereignty of the States. By no view that I have taken of this clause of the Constitution, have I been able to discover that it imposes on me, as the Executive of the State of New York, the obligation, or confers the right to surrender Williams to the executive authority of Alabama; and I must, therefore, respectfully decline to comply with the requisition in this case.

I ought not to close this communication without expressing to you my thanks for the very complimentary manner in which you have alluded to me personally in your late message; but in a much larger measure do you merit the grateful acknowledgments of the People of this State, for the justice you have done to the motives and conduct of a large majority of them, in declining to comply with the requisition in this case.

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The demand made by one independent nation upon another to deliver up fugitives, is not, I believe generally regarded as founded in a well-established principle of right. The right to demand, and the duty to surrender, are sometimes given by treaties; but where there are no treaty regulations, a compliance with such a demand is a matter of comity, and the fugitive is withheld or given up at the discretion of the power within whose jurisdiction he has taken refuge. The provincial government of the Canadas refuses to deliver up the citizens of New York who have committed offences in their own State and fled into the British Provinces, unless the crime be such as by the laws of England is punishable with death or the infliction of corporal punishment. Many crimes of an aggravated character are not thus punished by the British laws. I allude to what I conceive to be the Law of Nations, and to the practice of independent powers, so far as I am acquainted with it, for the purpose of showing that the provision of the Constitution relative to fugitives, is in fact a

ware of the mischief these proceedings are doing among our Southern brethren.

Large and highly respectable public meetings in all parts of our State have already been assembled, and have expressed their sentiments upon the subject in the strongest terms of reprobation. In the proceedings of these meetings, in almost all our public journals, and in our social intercourse, the conduct of the abolitionists has been discommendated, rebuked, and condemned; the claims of the South to remain undisturbed in all her domestic relations have been recognised, in the most explicit manner; the duty of respecting these claims has been strenuously urged, upon the broad ground of plighted faith and political justice; and the strongest appeals that eloquence and patriotism could make, have been addressed to the few abolitionists, to induce them to intermit their labor of mischief, and abandon their worse than visionary projects.

The feelings of almost the entire population here, is what the South could wish it to be. The powerful energy of public opinion has been brought to bear directly on this subject, and has exerted and is now exerting a bending influence in repressing the fanaticism that has arisen in this section of the Union. Many who, without foreseeing or considering the pernicious results to which the schemes of the abolitionists would lead, and who have incautiously given countenance to them, are convinced of their errors, have renounced their unfortunate association with these fanatics, and now join in the general condemnation of the abolition movements. The present state of things here in relation to this subject, when viewed from your position, may not seem to justify this statement; but I am wholly deceived in my observation, if it be not as I present it to you. It is true, there are among us a few infatuated individuals, who, from strange and perverted views of moral and religious duties, or from a love of mere notoriety, have put forth and are continuing their efforts in despite of the strong and sweeping current of public opinion; but it is certainly a great error to take their show of organization and their boasts (made principally with a view to check desertion) for indications of their growing strength, and thence conclude that public opinion, as it exists among us, and operating as it does directly on the subject, is entirely incompetent to curb the mad course of this fanaticism. On this I am sure you may rely, that the People of New York generally entertain the most friendly sentiments towards their brethren of the South. They know your rights and will respect them. They know their duties to you, and will fulfil them. They appreciate the importance of the union of the States, and the unnumbered blessings that are suspended on it. They will perform in good faith the obligations it imposes, and, in peril, will put forth their mightiest efforts to sustain it.

Persuaded that these are the views and sentiments of almost the entire body of my fellow-citizens, I have a perfect confidence that their conduct in relation to the subject, and all others which affect the rights and interests of other States, will be such as to answer all reasonable expectations.

I have the honor to be, with great respect, your obedient servant,
 W. L. MARCY.

His Excellency, JOHN GAYLE,
 Governor of Alabama.

Documents accompanying the President's Message to Congress on the subject of our French Relations.

No. 1.

This is a letter from Mr. Forsyth, Secretary of State, to Mr. Barton, Charge d'Affairs at Paris, dated June 28, 1835.

It informs Mr. B. that the Messrs. de Rothschild, the Bankers of the United States, had been authorized to receive the money due under the treaty of France, if offered, but not to demand it. Mr. B. is instructed to receive any communication made to him by the French Government, and merely transmit it to the Department of State.

No. 2.

Mr. Forsyth, to Mr. Barton.
 September 14, 1836.

This letter informs Mr. B. that it has always been the intention of the President that the delegation of the United States should leave France if the treaty were not fulfilled. It instructs him to call on the Duke de Broglie and request to be informed of the intentions of the French Government on the subject; and to do so in the most conciliatory tone. If the Duke should reply that the money is to be paid on any fixed day, Mr. B. is instructed to remain in France; otherwise he is required to apply for his passports, and state the reason to be that the treaty of indemnity has not been executed by France.

No. 3.

Mr. Barton to the Duke de Broglie,
 Legation of the United States of America,
 Paris, October 24, 1835.

MONSIEUR LE DUC:
 Having executed, to the letter, the last instructions of my Government, in the interview which I had the honor to have with your Excellency, on the 20th of this month, in order further to comply with those instructions, I am about to return to the U. S.

He is directed to comply with these instructions in time for the result to be communicated to Congress at the opening of the session.

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