

SOUTHERN PLANTER.

ALFRED BYNUM, Editor.

WHO SERVES HIS COUNTRY BEST, BEST SERVES HIMSELF.

WM. A. A. CHISHOLM, Publisher.

VOLUME I.

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TERMS.

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MISCELLANY.

MR. O. BALDESTON'S GRAND MATCH.

AGAINST TIME, AT NEW MARKET, FOR 1,000 GUINEAS.

From Bell's Life in London.

This match came off on Saturday, according to the terms agreed upon. The original match was made between colonel Charite and Mr. Osbaldeston, the former betting the latter one thousand guineas he did not ride two hundred miles in ten successive hours, during the Houghton Meeting at Newmarket. Independent of this stake, Mr. Osbaldeston had large sums depending, having at first taken all the odds that were offered him, and ultimately laying 2 to 1 that he won. Mr. Osbaldeston did not commence severe training till within the last week, when he gradually increased his task from 20 to 70 and 80 miles a day, which he performed at full speed, and on the horses he had selected for the performance, to the number of which there was no limit. As the day approached, betting became more brisk, but Mr. Osbaldeston gradually rose in the market, and on Friday evening one hundred to forty were laid upon him currently. A bet of one thousand to one hundred was also made that he did not accomplish the distance in nine hours.

As early as six o'clock on Saturday morning, preparations were made for the assemblage of the parties interested, at the Duke's stand near the Devil's Ditch; stoves were lit, and every accommodation afforded.

Four miles had previously been measured, on the round course commencing and ending opposite the stand, parallel to the Cambridge Gap, and on this spot a turf stage was erected for the purpose of Mr. Osbaldeston's mounting and dismounting, but of this he made no use, from the difficulty of getting the horses to stand in position. An area was enclosed with ropes and stakes, to prevent interruption on his starting and coming in.

At 7 o'clock, colonel Charite and Mr. Osbaldeston arrived at the stand in post chaises, the latter in the highest spirits and full of confidence. He, in fact, offered to bet any odds he won, and an even thousand he did the distance in nine hours; but all betting was at a stand-still. He was attired in a purple silk jacket, black velvet cap, doe small clothes, and top boots, and his weight with saddle and bridle was estimated at 11st. 3lb. His age is 47. The umpires chosen were, for colonel Charite, John Edward Bowater, Esq. and for Mr. Osbaldeston, T. Phellusion, Esq. These gentlemen were prepared with stop watches, which at the start were set going and placed in a box together.

The saddles on which Mr. Osbaldeston rode were covered with sheepskin with the wool on; and it was arranged that each horse at one start should perform four miles. Some of them, it will be seen, having to do the distance twice, thrice, and four times.

The morning was extremely unfavorable, commencing with a drizzling rain, which subsequently increased to a drenching shower, accompanied by a high and piercing cold wind; but this did not damp the spirits of the rider, and at precisely twelve minutes after seven he was mounted and started, carrying a whip, and wearing spurs; the latter he dispensed with occasionally. The following are the names of the horses, and the respective times in which they performed their four miles.

	m.	s.
1 Emma,	9	0
2 Paradox,	9	20
3 Liberty,	9	25
4 Coroner,	9	15
5 Oberton,	9	40
6 Don Juan,	9	0

The first 24 miles, including stoppages for mounting and dismounting, were performed in two minutes under the hour.

7 Morgan Rattler,	9	13
8 Paradox, 2d time,	9	6
9 Cannon-ball,	9	23
10 Clasher,	9	25

Clasher broke down, and came in at a trot; but the forty miles were performed in nineteen minutes and a half within the two hours.

11 Ultomar,	9	10
12 Fairy,	9	5

The forty-eight miles were performed in two hours one minute and five seconds, including mounting and dismounting. The ground getting heavy, Mr. Osbaldeston still in high spirits, although wet to the skin. Up to this time he had taken no refreshments beyond a little gum arabic, which he held in his mouth.

13 Coroner, 2d time,	9	40
14 Liberty, 2d time,	9	30
15 Emma, 2d time,	9	21

This completed the 60 miles in 27 minutes less than the three hours. In the last run with Emma, Mr. Osbaldeston went the wrong side of the post, but immediately turned and went back to the point of error.—Mr. O. now took a little weak brandy and water, and again mounted.

16 Don Juan, 2d time,	9	5
17 Oberton, 2d time,	9	20
18 Cannon-ball, 2d time,	9	43

Seventy miles done one minute under the 3 hours, and the seventy-two miles 4 minutes beyond the 3 hours.

19 Ultomar, 2d time,	9	0
20 Tranby,	8	10

The rain subsided, but the weather still cold and cheerless.

The 80 miles were done in three hours and twenty-five minutes and a half, including stoppages.

21 Fairy,	8	8
22 Morgan Rattler, 2d time,	9	28

23 Colt by Tramp,	8	58
24 Dolly,	8	57

Any odds on the performance of the match.

25 Acorn,	9	2
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The HUNDRED MILES were now completed in four hours, nineteen minutes, and forty seconds. A proposition was made that Mr. Osbaldeston should alight and change his dress, but this he declined, and said he would go a few more rounds. He appeared rather stiff, but still in good spirits.

26 A horse by Smolensko,	9	52
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Mr. Osbaldeston took a crust of bread and a mouthful of cold brandy and water, stopping rather more than two minutes.

27 Trauby, 2d time,	8	0
28 Skirmisher,	9	25
29 Guildford,	8	25

The rain again came down in torrents during the last round; but again cleared off, and was once more favorable.

30 Dolly, 2d time,	8	45
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He had now completed one hundred and twenty miles in five hours, eleven minutes and a half, and determined on taking some refreshment. He immediately proceeded up into the Duke's stand, where he recognized some female friends, and immediately sat down to a hearty lunch of cold partridge. He said he was "hungry as a hunter," and after taking a glass of sherry, and stopping six minutes and twenty seconds, again mounted without changing his dress in any particular.

His next horse, the 31st change, was Ikey Solomons. Ikey, soon after starting, made a slip, and dropped a little forward; Mr. Osbaldeston, standing on his stirrups at the moment, was thrown over his head, and fell full length on the ground. Fortunately, he retained the reins, sustained no injury, though shook severely, and, mounting instantly, pursued his course, performing the four miles in twelve minutes. On alighting, he was evidently flurried and distressed, but he shook it off, and again started in high glee.—25 to 20 offered he did not do the distance in nine hours; the full having given new horses to the backers of time.

32 Tam O'Shanter,	9	40
33 Eldorado,	9	20

In coming in this round, he showed slight weakness for a moment and sat on the knee of a friend, but was mounted and off in 30 seconds.

34 Coventry,	9	0
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One hundred and thirty six miles had now been performed in six hours; so that three hours remained to complete the distance in nine hours, and four in ten hours, there being 64 miles to do, 6 to 4 against the nine hours—taken.

23 Ringleader, The start on this horse was quick and excellent, and the distance performed in	8	42
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36 Tranby, 3d time,	8	15
39 Guildford,	9	10

The interests now became more intense. One hundred and fifty-six miles had been performed, and there remained two hours, or at the rate of twenty miles an hour, which, considering what had already been done, was deemed easy work. On a lighting from the last horse, he appeared as fresh and gay as a lark, laughed heartily, took a glass of brandy and water, and said he was as hungry as a hawk. In forty seconds he was again mounted and off amidst loud cheers, on

40 Streamlet,	9	50
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The odds were now 6 to 4 on nine hours, and 16 to 1 he did it within the ten hours.

There were now forty miles to perform in two hours and three minutes, which, barring an accident, was backed as a certainty. It was accomplished in the following order:

41 Donegani,	9	12
42 Hassan,	9	0

The weather now greatly improved, the sun shone out with cheerfulness, and as Mr. Osbaldeston came in, sitting, as firm as a rock, he was loudly cheered.—He appeared as fresh as ever, mounted in six seconds, and was off on

43 Surprise, filly,	9	10
44 Ringleader 3d time,	9	30
45 Tranby 4th time,	8	50

There were now but twenty miles to do in one hour and eleven minutes, and on starting, Mr. Osbaldeston said he would bet 100 to 1 no other person would do the distance in the same time.

The weather became again more unfavorable, but he was undaunted.

46 Coventry 2d time,	9	30
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There now remained but sixteen miles to perform in one hour and one minute, which was accomplished with ease by the following 4 horses:

47 Ipsala 2d time,	9	0
38 Streamlet 2d time,	9	0

A tremendous shower met Mr. Osbaldeston soon after starting this round, and Streamlet actually turned round and refused to face it, but was at length got off and completed the distance in the time stated, to the mortification of those who looked to a new casualty in their favor.

49 Donegani 2d time,	10	15
50 Liberty 2d time,	9	30

In coming at the conclusion, the crowd of spectators became more numerous than ever, and with difficulty was the winning post kept clear. Mr. Osbaldeston came in gallant style, amidst tremendous cheers, thus accomplishing his Herculean task in exactly eight hours and forty two minutes, or eighteen minutes within the nine hours, thereby winning all his bets on time. He stood a large part of the bet of 1,000 to 100 against the nine hours.

The umpires had previously taken the watches from the box, and at the completion of the match confirmed the time we have stated in the most public manner.

Mr. Osbaldeston now proposed to ride another mile, lest any dispute might arise as to the precise distance; but the umpires declared themselves perfectly satisfied, and that no question whatever occurred to them as to the fair and full conclusion of the undertaking; an announcement which was received with renewed acclamations, and Mr. Osbaldeston dismounted, and once more entered the

Duke's stand, where he received the congratulations of his private friends.—He was in high spirits, and perfectly fresh. In five minutes, having put on his great coat, and without other change, he mounted a favorite hack, and surrounded by a large field of horsemen, cantered off to Newmarket, where he took a warm bath, and retired to bed for a short time.

The greatest credit is due to the proprietors of the different horses that were used, for the liberality with which they supplied the squire's demands. Tranby which performed the distance four times, is the property of Mr. Gullely, and proved himself an extraordinary horse as to gameness and bottom. Infinite credit is due to Mr. England and Mr. Weston, for the unremitting attention which they paid in making the arrangements, and affording the requisite assistance and refreshment through the arduous and exampled performance. When we left Newmarket at five o'clock, Mr. Osbaldeston was "quite as well as could have been expected," and highly elated with his success. Large sums have changed hands; and the anxiety in town on Saturday night to know the event was prodigious.

The horses were kept ready at the stables close to the Duke's stand, and as they were wanted were brought out in readiness for mounting. A minute was generally occupied in mounting and dismounting, Mr. Osbaldeston preferring a "leg up" to the use of the stage, and generally conversing freely with his friends. The horses were principally led by gentlemen residing at Newmarket, who sent them to the course in care of their own training grooms; several, however, were the property of Mr. Osbaldeston himself. The interest excited by the match attracted a great multitude to Newmarket, and beds on Friday night were not to be procured at any price. In the early part of the morning, from the unfavorable state of the weather, there were not many people at the Duke's stand; as the day advanced and became more favorable, however, the company increased, and at last presented a splendid appearance. Many equipages of the *haut ton* were present, several ladies of fashion giving additional brilliancy to the scene. It should be remarked, that in giving the time occupied in riding the respective distances we do not include the periods occupied in mounting and dismounting, which occupied from six seconds to two minutes.

The exact number of horses used in the match was twenty-nine. Some were lame, and Ikey Solomons, like his great namesake, was quite out of favor after his first attempt. Tranby proved the best horse of the lot. Mr. Gullely, his proprietor, was extremely attentive throughout the match—we believe he even betted 500 to 50 on the nine hours. Much attention was paid to the time taken by each horse in doing the distance. Tranby was the quickest, and next to him the little filly Fairy. Considering the state of the weather and the rough surface of the course, the pace was first rate. Guildford, with a spring-halt in both his hind legs, excited great doubts from his awkward gait; but he proved himself sound, and to be depended on. At the latter part of the match, Mr. Gullely, young Dutch Sam, and Tom Oliver, all lent Mr. Osbaldeston a knee to sit down while he took wine, glasses of brandy and water, liquid jelly, and bread soaked in sherry. The ladies were highly elated with vigor of the modern Nimrod, and cheered and shook their handkerchiefs with great enthusiasm. He wore a hunting belt and although provided with a double change, he would not alter a thread of his dress. Mr. Osbaldeston has, by this matchless feat, proved himself a number one at almost every manly exercise save boxing. He has carried off the palm at hard riding, steeple chaises, aquatic feats on the river, shooting and pedestrianism;—in fact, he is in his way a perfect *nonpareil*, and outstrips all competitors. He has also the best trotters in the country, and in his match with Tom Thump at Cambridge beat all calculations on the power of the horse.

The first news of the completion of the match, and the only correct account, which we have copied from Bell's Life in London, reached London shortly before 12 o'clock on Saturday night, and was back in print to Newmarket at one o'clock next day.

It will be seen that the two hundred miles were ridden, including stoppages, in eight hours and forty-two minutes; so that, allowing for time occupied in changing, refreshments, &c. the actual riding was done at a rate exceeding 25 miles an hour! The changes were 50 in number, and deducting six minutes for the lunch time, but 36 minutes were allowed for mounting and dismounting 50 times, being an average of less than a minute; but we think the actual average occupied in the changes was upwards of a minute, making the pace upwards of 25 miles an hour.

POLITICAL.

JUDGE SMITH'S PRESENT AND FORMER OPINIONS COMPARED.

Look here, upon this picture and on this—Shakespeare.

Judge Smith's Former Opinions and Declarations.

In Judge Smith's opinion, Nullification is proper when the constitution has been violated.

"Whoever that compact (the constitution) is infringed by the Government of the United States, it belongs to the several states to exercise their reserved sovereignty, and to reduce the General Government to the exercise of powers within its legitimate constitutional limits, and to restore the compact to its original purity."¹

"The power to lay a tariff of protecting duties is no where to be found in the constitution, delegated to the United States. Nor can such a power, by any possible construction, be necessary and proper for carrying into execution any of the powers vested by the constitution in the government of the United States." Congress, therefore, having acted without delegated powers, the law is, from the provisions of the constitution itself, unconstitutional."²

Judge Smith has never read a single one of the tracts of the Free trade and State Right's associations.

"They send their tracts into every corner. He should be gratified to see what these tracts contained. As God was his judge, he had never been able to lay his eyes on one of them."³
The South rejoined by the Tariff.

"It is a system of protection to one portion of the States, and of oppression to the plantation states. South Carolina has the honor (if that can be called an honor) to pay a heavy tribute from the proceeds of her labor, to augment the wealth of a few Northern and Western capitalists. At no time have the citizens of South Carolina been so home down in oppression in their pecuniary affairs, attributable to your tariffs of protecting duties. It is utterly impossible to imagine that such a state of things could have been contemplated at the formation of the constitution, unless the English language can be distorted to mean anything we are determined it shall mean, &c. For what purpose was the constitution adopted? &c."¹

Judge Smith praises Mr. Turnbull, and Dr. Cooper.

"Among the distinguished writers engaged in this investigation, is Dr. Cooper whose name is identified with every science, and whose life has been devoted to the cause of civil liberty and human happiness. In his political prices, he has torn the mask from the delusion of constructive signatures and party intrigues. A writer under the signature of Brutus, in his 'crisis,' has, with a master hand, given an exposition of the great agitated points of the constitution on the subjects of the tariff and internal improvements, that will remain a treasure to his country, while talents shall be regarded."¹

In Judge Smith's opinion the Supreme Court are not "the final arbiters."

"For the Judges of the United States I entertain the highest respect, &c. But it seems to me their province is limited to decisions between citizen and citizen, &c. But may not a distinction be taken, where law is notoriously unconstitutional and oppressive upon the whole community of a State, which law was undermining all the private rights of the individuals as well as rights appertaining to them as the community of a state."²

(Supposing that the Judges might be divided, Judge Smith goes on to say.)—"The whole weight of the question, be it of what moment it may, must then devolve on a single Judge. This single Judge would hold the balance, and have it in his power to decide the fate of the Union by his dictum, &c. If the opinions of the Judges are to be considered as the constitution, or if the Judges are clothed with this tremendous power, a power that gives to a single man the control of the destiny of this Union, is it not time to inquire, whether it be not fit to place it in some more responsible repository?"³

Judge Smith's remedy is a Convention of the States.

"If the Government needs more power or less too much, or exercises a doubtful power which a state thinks it ought not to have, the constitution provides for its amendment. A convention may be called either by congress or the States to amend the Constitution."⁴

The Constitution made for the protection of the minority.

"For what purpose was the Constitution adopted? Surely not for the protection of the majority, because majorities want no such aid, but to protect minorities, who are always under the perfect control of majorities, unless there be a marked limit beyond which they shall not go. If the constitution does not afford this limit, it affords nothing but an instrument of oppression that is worse than tyranny."⁵

Again—

"The people of Kentucky had assembled upon an important occasion, and held this exploded and dangerous principle that the ground on which South Carolina attempted to justify her opposition to the tariff was hostile to all government, and more especially to the fundamental principles of our own, which recognizes the right of the majority to rule. Was this a government of laws only, this rule would reply, but being a government limited and controlled by a written constitution, that defined its powers, he as a senator of South Carolina was bold to announce that this government recognizes no such principle as that the majority should rule. The fact was, that the majority in the enactment of these laws (the tariff) had ruled, they could have succeeded on no other principle; but the fundamental principles of our Government recognizes no principle of rule, but that prescribed by the constitution, and to this it must be brought again, or as a people, we are undone."⁶

Judge Smith declares the Tariff to be firmly fixed upon the South.

"Appeals have been made first from the manufacturer of one article, then of another, the majority in Congress have become determined to extend the system, and fasten it on the agricultural States forever. All opposition has been unavailing. Urge that it is in opposition to the principles of the Constitution, no gentleman chooses to answer it. Offer a remonstrance it is only read and thrown aside."

"It might be justly said, there was no despotic government in the civilized world where such enactments had been made on the rights and liberties of the people of the Southern States within the last twelve years."⁷

Again—

"If we go back to '74 and '75, we shall find a much less cause of producing that revolution which separated these United States from Great Britain, than now exists between the UNITED STATES AND THE STATE OF SOUTH CAROLINA!"⁸

Again—

"The people of South Carolina finding themselves egregiously oppressed and borne down by the tariff of protecting duties, have ventured to murmur, &c. and their conduct had been arraigned in the most opprobrious terms in those states where they were profiting by the system. Rebellion, Treason, Sedition, and every odious epithet was heaped upon them, for daring to complain of this unequal and oppressive law. Can despotism do more?"⁹

The State has the right, under the constitution, to act in the last resort.

"The people of South Carolina, believed that when the States surrendered into the hands of the General Government, a portion of their sovereignty, it was in trust for the accomplishment of certain specific objects, and every exercise and power beyond the attainment of those specified objects, is a

violation of the compact between the several States and the United States, and whenever that compact is infringed by the Government of the United States, it belongs to the several States, to exercise their reserved sovereignty, to reduce the General Government, to the exercise of powers within its legitimate constitutional limits, and to restore the compact to its original purity."¹

Judge Smith entertained no hope in 1828 from the justice or magnanimity of the Tariff States.

"I entertain (said he) not the least hope of relief from the justice or magnanimity of either the Eastern or Western States. They have got the Tariff fixed upon us, and will no doubt hold on, until it becomes their interest to abandon it, and then can we hope for their concurrence in its repeal?"¹

Again—

"Sir, this odious General Government has made the most transcendent stride to tyranny that ever was despot did on earth. The oppression that we endure is intolerable—the taxation of the people of Ireland is not to be compared to that imposed upon us by a tyrannical Congress—I would rather live under the government of a foreign nation than submit to this iniquitous system of taxation—Congress has become so corrupt that respectable members have told me that they knew the system was unconstitutional and oppressive to us, but it was profitable to themselves, and therefore, they would support it."²

Judge Smith's present Opinions and Declarations.

Judge Smith thinks State interposition not proper, when the Constitution (in its spirit) has been violated.

"We deny that any State, by the Constitution, has the right to declare an act of Congress passed within the letter of the Constitution (such as the Tariff,) and which all the other States are equally interested, unconstitutional and arrest its operations within its limits."³

Again—

Judge Smith quotes from a speech of Judge Harper, the following words, (which are meaning the same as his own on the other side.)

"If all their efforts fail, the sovereign power of the State ought to interfere for the purpose of arresting the operation of the unconstitutional laws of which we complain; thus compelling the General Government to abandon its oppressive policy; that this course is constitutional, and that they State may adopt it without relinquishing her character as a member of the Union."⁴

And then says—

"To the constitutionality of such a principal I do most unequivocally dissent."⁵

Judge Smith knows every thing that is in these tracts.

"Talented men are urging you on the adoption of this measure. (Nullification.) They give you tracts, they say for political information. They are all on one side, full of your wrongs, full of Nullification, but wanting a little of the arguments on the other side."⁶

The South never so prosperous as at present.

"Pause then fellow citizens before you cross the Rubicon. Count the cost before you peril your all. The benefits of Union are certain, you have prospered in it more than other people; you have been in truth the freest and happiest people under the sun; you will discountenance fiction and earnestly reason with your brethren against your oppressions. Believe us there is already a redeeming spirit at work for your redemption from oppression."⁷

Judge Smith considers Mr. Turnbull the father of Nullification.

"He adverted to the essays of 'Brutus.' To the principles laid down in them we owed, he said, the doctrines of Nullification."⁸

In Judge Smith's opinion, the Supreme Court must decide upon the constitutionality of the Tariff.

"Between the unconstitutional assumption of powers by either the Congress or the State Legislature, and the people as individuals, is placed the Judiciary, who, like the flaming sword of the Cherubim forbid all entrance on the prohibited ground."⁹

"The jurisdiction of the Federal Judiciary extends to all cases in law or equity between the United States and any citizen or citizens, arising under the Constitution, the Laws or Treaties of the United States. Over the States political bodies, or over questions involving nothing but the political rights of the States, that court has no jurisdiction. But under the Tariff law is not the jurisdiction of the Federal Court, to issue a nullifying phrase 'plain and palpable'." The suit is a case at law between the U. States and a citizen, on a bond given under an act of Congress, passed within the letter of the Constitution."¹⁰

Judge Smith thinks that South Carolina has no means of procuring a Convention of the States.

"As to our claiming singly to compel all the rest to enter into a convention, it was precisely as if our District of Pendleton, that is now asking for a Senator, should when refused here, talk of her reserved rights, and appeal to the last resort of nations."¹¹