see and know, of many of these societies, that their object and tendency is the universal peace and happiness of man. Under this view of the subject, we think it behoves printers, as being vehicles of public information (to say nothing of correspondent feelings and sentiment,) to bestow out a liberal patronage to such institutions.

FOR THE STAR.

George Kluttz, Esq. has consented, through the solicitation of a number of persons, to become a candidate for the county of Catarrus, at the ensuing election, for a seat in the house of commons of the Legislature of North Carolina

A VOTER.

Law Intelligence.

SUPREME COURT OF NORTH CAROLINA.

Ballard & Wife vs. Hill & others.

The plaintiff's claim arises on a descent from a maternal half brother, of lands which descended from his father, or of lands descending from the paternal side: & whether they are entitled to recover, depends upon the true construction of the acts of April & Oct. 1784. The third section of the first act, without the provisoes, is in these words, "That if any person dying intestate, should, at the time of his or her death, be seized or possessed of, or have any right, title or interest, in or to any estate or inheritance in lands, or other real estate in fee simple, and without issue, such estate or inheritance shall descend to his or her brothers and for want of brothers, to his or her sisters, as well those of half blood as those of whole blood, to be divided amongst them equally, share and share alike, as tenants in common and not as joint tenants, and each and every of them shall have, hold and enjoy in their respective parts or portions, such estate or inheritance, as the intestate died seized or possessed of, or entitled unto."

Were the case to depend on this enacting clause, the plaintiff's right to the inheritance would be beyond controversy; for the words extend to *every person* dying seized of *any inheritance*, whether acquired by descent or purchase, whether it descend from the paternal or maternal line; and embrace both sorts of half blood, as well the maternal, as the paternal. The clause must, necessarily continue to govern every case that is not withdrawn from its operation by some proviso; and therefore it must direct the descent in this case, unless it is prevented by the proviso. The words are "that when the estate shall have descended on the part of the father, and the issue to whom such inheritance shall have descended, shall die without issue male or female, but having brothers or sisters of the paternal side of the half blood, and brothers or sisters of the maternal line, also of half blood, such brothers and sisters respectively of the paternal line shall inherit in the same manner as brothers and sisters of the whole blood, until such paternal line is exhausted of the half blood; and the same rule of descent and inheritance shall prevail amongst the half blood of the maternal line under similar circumstances, to the exclusion of the paternal line." The proviso then gives a preference to the half blood of the line from which the estate descended, where the competitors for the inheritance are the half blood of that line, and the half blood of the line from which the estate did not descend; but there are no words in it which are exclusive of the latter half blood, where there is none other in equal degree, and recommended by the reason given for the preference, to claim it from them. On the contrary, the words "until such line is exhausted of the half blood" carry with them a strong implication that when such an event shall occur, the other line of half blood shall be taken into the inheritance. The word "until" which signifies the same as "to the time that" seems to import, that when the half blood of the favoured line gives out, the other half blood shall inherit. The enacting clause has viewed with undistinguishing regard and favour the half blood of both lines; the proviso has selected a particular case, wherein the preference shall be given to one set; in all other cases therefore, as well where the reasons of the preference have ceased to operate, as where they have never existed, the other set of half blood must be entitled. If a man having issue, and having also brothers and sisters of the half blood on the father's side, & brothers and sisters of the half blood on the mother's side, for peculiar reasons, thinks proper to devise his estate to all his brothers and sisters, as well the half blood on one side as on the other, but annexes a condition to the devise that the paternal half blood shall enjoy the estate until that line be exhausted: Of the intention of the testator in such a case, it does not seem possible to doubt; the legality of the devise is another question. The other proviso is, that if any brother or sister of the intestate shall have died in the life time of the intestate, leaving issue, male or female, such issue shall represent their deceased parent, and stand in the same place he or she would have done if living, &c. There is nothing in this proviso, which can have any tendency to impair the right of the plaintiffs, the only object of it being to provide for collateral descents as far as brothers and sister's children. The provisoes of the second Section had made provision for lineal descents as far as grand children, and in order to complete the system, the words of the fourth section are 'that the same rules of descent shall be observed in lineal descendants & collaterals respectively, when the lineal descendants shall be further removed from their ancestor than grand children, and when the collaterals shall be further removed than the children of brothers and sisters." What is meant by the same rules of descent? Clearly the rules established by the preceding sections: One of which is, that where there are two sets of half blood, the set of that time from which the estate descended, shall be preferred to the line from which it did not descend; consequently uncles and aunts, great uncles and great aunts, &c. of the line from which the estate descended, shall exclude uncles and aunts, great uncles and great aunts of the line from which it did not descend. In other words, where those who claim the inheritance are in equal degree, or represent those who were, the acquiring line shall be preferred. Where the claimants are not in equal degree, then proximity of degree shall decide the right to inheritance. This appears to the court to be the true interpretation of these sections of the act of 1784, and to arise naturally from the words, as well as being consonant to the views of the legislature, and to the spirit in which the act was framed. To exclude the maternal half blood for the sake of a remote collateral, or to suffer the land to escheat rather than permit the half blood to inherit does not seem to accord with the sentiment expressed in the preamble to the third section. "And whereas it is almost peculiar to the law of Great Britain, and founded in principles of the feudal system, which no longer apply in that government and never can in this State, that the half blood should be excluded from the inheritance"

It is true that the law of England gives a preference to the male stock; and there is a partial recognition of the same principle in the 7th section of the act of April 1784, amended by the act of October 1784, which provides that in case of the death of any person intestate leaving any real estate actually purchased or otherwise acquired, and not having any heirs of his body nor any brother or sister, or the lawful issue of such; then such estate shall be vested in the father of the intestate, if living, but if dead, then in the mother for life, then in the heirs of such intestate on the part of the father, and for want of heirs on the part of the father, then in the heirs of the intestate on the part of the mother forever.

It is to be observed on this section, that the father is called in only upon the sons dying without lineal heirs, and without brothers or sisters or the issue of such. The preference of the mail stock has been confined strickly to the cases enumerated in the 7th section and its amendment, viz; to cases of estates purchased by the intestate. And on this point the decisions have been uniform, allowing the half blood to inherit where the land was purchased, and giving them the preference to the father and the male stock.

A section, inserted for the purpose of giving a preference to the mail line amended to prevent that preference from being interrupted by the accident of death, is yet so restricted in its terms, and so modified by judicial exposition, admitted to be just, that the favoured stock is called to the inheritance only after the failure of issue in the intestate, and the failure of brothers and sisters of every description, maternal as well as paternal half blood. It appears to the court that every reason for thus confining and limiting the preference of the male line under this clause, applies with increased strength to prove that the preference ought to be strictly confined under the third section to the half blood of the acquiring line--that they and they only shall exclude the half blood of the non acquiring line. A consistent meaning will be thus given to the third clause, to the proviso, and its extension by the fourth section, which would then read "where any persons half die intestate, without issue and without brother or sister, or the issue of such, leaving uncles or aunts of the line from which the estate descended and uncles or aunts of the line from which the estate did not descend, the former uncles or aunts shall exclude the latter."

There is also a declaration in the 3rd section of the act of October 1784, "that the paternal line is favored in all other instances;" and it proceeds to guard against the estate being transferred to the maternal line by the death of the father before the mother and the intestate, which would have happened in consequence of the phraseology of the 7th section. It is apprehended that this declaration relates only to the instances in which the paternal line is favored in the 7th section, viz: that in purchased estates it shall ascend to the father, if living, but if he be dead and the mother likewise, that it shall descend to the paternal heirs, and continued in that line as long as there are any heirs; so that it is favoured in all cases of purchased estates, except where the father is dead and the mother is alive, in which case the heritable line was diverted from the paternal. When the legislature were about to remedy this only case, in which the paternal line was not favoured in the 7th section, with respect to purchased estates, it was natural to advert to the other cases where it was forwarded, and in relation to this provision, it was favoured "in all other instances." In no other sense can the declaration be considered correct, for no preference is given to it in any other part of the act, except in entitling mates before females—it is not preferred in descents—it is not preferred where the estate descends from the maternal line—it cannot be preferred by force of the seventh canon of descents, for that plainly comes within the purviews of the 7th section and the amendatory law, and as such "is repealed and made void."

The 6th canon of descent excluding the half blood, was unquestionably repealed by the third section of the act of April 1784, for the same reason; from which time, the half blood became entitled. In October 1784, the legislature say that doubts have been entertained whether brothers of the half blood shall be entitled to succeed to the inheritance in the same manner as sisters do where there is no brother, nor the issue of any such; and they proceed to declare that it was their intention in the 3rd section of the act of April 1784, to let in brothers of the half blood equally with brothers of the whole blood, &c. This act was passed from abundant caution, and to guard against a construction in opposition to the declared will of the legislature, and one which it is believed, would not be recognized by a court of justice, since the rule of law is, that relation shall be had to the last antecedent unless it obstructs the sense. The preamble to the 3d section, expresses the intention to be to admit the half blood, and the construction of the words, unless much refined upon, conveys that intention. The Legislature say that doubts have been suggested; to prevent them in future, they declare what their original intention was, and change the language of the third section.

So far as the Legislature have declared a preference for the line of the purchasing ancestor or the male stock, the court is bound to execute their will; but it does not feel bound by any considerations of expediency or justice to preserve a preference where it is not clearly to be collected from the law. The principles are peculiar to the law of England and others derived from the feudal system, and were unknown to the enlightened republics of antiquity. The system is purely artificial, and in some respects repugnant to our notions of justice and the obligations of duty. So far as natural reason suggests any thing on the subject a law regulating the descent of estates should be founded on the presumed will of the deceased, and regulate the succession in such a manner, as he probably would have done, under the united dictates of duty and inclination. The strongest affection is between parents and children, and the next, the love between brethren, arising from their relation to the same common stock, heightened by youthful association, and the likeness of years and education.

The last owner of an estate is as completely so as any further one, and it is quite as reasonable to consult his presumed inclination as that of a remote ancestor; it is not probable that he would prefer a distant collateral, because of the male stock, to his maternal brothers; nor is it certain that duty would require him to do it because the remote relation was of the acquiring blood. The law relative to the distribution of personal property has excluded all these principles, and its justice is generally approved.

For these reasons it is the unanimous opinion of the court that the demurrer be over-ruled and the bill be sustained.*

*Judge Henderson had been of counsel in this case, but gave no opinion in relation to the judgment. His opinion had formerly been adverse to the claim of the half blood, but after the judgment was rendered in this case, he declared that upon maturer consideration his opinion had changed, and that he concurred in making the half blood inherit.

Taylor, Iredell and Murphey were the Court.

A salt lick was discovered some years since in a very deep valley on Twin creek, about eight miles from Salem, Indiana. The water was lately made an experiment of by boring, and having penetrated a rock to the depth of about 4 feet, they struck the vein of salt water, which has been pronounced superior especially to any in the western country.

Extract of a letter dated St. Thomas, May 29

"Mr. Mc. by the last account, was in Caracas. It is expected in Carthagena. This unfortunate city has again been visited by an earthquake—it threw down a number of houses, and some few lives were lost.

North Carolina,

Treasury Department, July 1819

The attention of the clerks of the several county courts within the State aforesaid, & of all others concerned, is respectfully invited to the Act of the Assembly of 1818, Chapter 1st 8th. A prompt and punctual performance of the duties enjoined by that law is indispensably necessary, and must of course be insisted on

JOHN HAYWOOD, Pub Treas.
S GOODWIN, Compt. Tr.

July 8, 1819. 28-w6

New Advertisements.

STATE OF NORTH-CAROLINA,
Johnston County.

Court of Pleas and Quarter Sessions, May Term 1819.

George Cherry, vs. Ridley B. Porter.—Original Attachment levied on lands

IT appearing to the satisfaction of the Court, that the defendant resides beyond the limits of this State, or so absconds or conceals himself, that the ordinary process of law cannot be served upon him—Therefore ordered that publication be made in the Raleigh Star, for three months successively, for the defendant to appear at our next Court of Pleas and Quarter Sessions at the Court-House in Smithfield, on the 4th Monday in August next, then and there to replevy and plead or judgment will be taken pro confesso.

Test, RANSOM SANDERS, Clk.

July 2, 1819. 28-3m

STATE OF NORTH CAROLINA,
JOHNSON COUNTY.

Court of Pleas and Quarter Sessions, May Term, 1819.

John Williams, & Co. vs. Moses Johnson.—Attachment—Lucy Johnson summoned as Garnishee, &c.

IT appearing to the satisfaction of the Court that the defendant resides beyond the limits of this State, or so conceals himself, that the ordinary process of law cannot be served upon him—Therefore ordered that publication be made in the Raleigh Star, for three months, for the defendant to appear at our next County Court, to be held at the Court-House in Smithfield on the 4th Monday in August next, then and there replevy and plead or judgment will be taken against son, dec.—Petition for division of him pro confesso.

RANSOM SANDERS, Clk.

July 2, 1819. 28-3m

State of North-Carolina,

Johnston County.

Court of Pleas and Quarter Sessions, May Term, 1819.

George Cherry, vs. Ridley B. Porter.—Original Attachment levied on lands.

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Test, RANSOM SANDERS, Clk

July 2, 1819 28-3m

State of North-Carolina,

Johnson County

Court of Pleas and Quarter Sessions May Term, 1819.

Elisha Woodard and wife Nancy, vs. Billosy Wilder, Lee Wilder, William Wilder, Samuel Wilder, Catharine the wife of Reuben Carpenter, Dolly the wife of Jonathan Earp, Patsy wife of William Hill, Nancy wife of James Hails, Fanny wife of John Hill, Joseph Shaw and Samuel Shaw orphans of William Shaw, dec'd. heirs at law of Jos. Wilands of said deceased.

IT appearing to the satisfaction of the Court, that the defendants, Lee Wilder, James Hails and wife Nancy, are non residents of this State,—It is therefore ordered that publication be made in the Raleigh Star for six weeks, that unless they appear at the next Court to be held for said County at the Court-House in Smithfield, on the fourth Monday in August next, and answer to the said petition or the same will be taken pro confesso and heard ex parte as to them

Test, RANSOM SANDERS, Clk.

July 2, 1819 28 6w

Catawba Navigation.

AT a general meeting of the Stockholders of the Catawba Navigation Company, in Lincolnton on the 15th June, the following persons were appointed:

Thomas Polk, *President*,
William Davidson,
Robert Johston,
Daniel Hoke,
Isaac T. Avery,
M. Beard,
Managers.

L. H. ALEXANDER, Sec.

July 1, 1819. 28-

A VERY handsome assortment of FRESH MEDICINES, together with an elegant collection of Shop Furniture, may be purchased on good terms by applying to

L. B. BUSH.

Waynesborough, July 1, 1819. 28-4w

N.B. Two or three sets of surgical instruments can be had at the same time.

Notice.

SOME time in December last, my wife Lucy Lourence, went, as I supposed, on a visit to see her relatives—but it soon proved to the contrary. She has left me without any cause or provocation whatever, and sought refuge in some more desirable situation. I have solicited her several times to return, but without effect—and am therefore compelled to make this public declaration, that all accounts transacted by her, in my name will not be discharged by me

A. LAURENCE.

Granville, May 3, 1819. 28-3tp

One Hundred Dollars Reward.

RUNAWAY from the subscriber living near Asheville, two negro boys—one named CALIBAR, about 21 years of age, about 5 feet 6 inches high, most black, with very long heavy hair, yellow complected, a small spot in his upper front teeth, had on when he went away considerable pantaloons and shirt, blue plain short coat and small fur hat. The other named VINCENT, about eighteen years of age, tall & slender made, little inclined to be yellow, with a blaze over his right eye, had on when he went away considerable pantaloons and shirt, and white plaited round about coat. Took with them when they went away five fifty dollar bank bills, on the State Bank of Georgia—also a sword cane, handed with silver.

The above reward will be given for said negroes if secured in any jail so that I get them again, or delivered to James M. Alexander, in Asheville No. Carolina, who will receive and secure them, and pay the reward and all reasonable expenses. Any person taking said negroes and securing them in jail will write immediately to said James M. Alexander, Asheville N. C. as he is hereby authorised as my lawful agent, to act in my stead in every respect relating to said negroes.

JOHN NOLAN.

Asheville, N. C. July 1, 1819.

N. B. Vincent can read print and writing and probably may write.

Advertisement.

THERE was stolen from my plantation, in Rowan County on the night of the 17th inst. a large chesnut sorrel horse, small close eye, and can see out little out of the other, saddle very much worn. It is supposed that he was stolen by a negro belonging to Mr. Gill, who will attempt to get Washington in this State. I will thank any person who will give information of the Horse

A. HENDERSON.

Salisbury, July 2, 1819. 28-6w

Sheriff's Sale.

NOTICE is hereby given that on the first Saturday in August next, at the Court House in Asheville N. C. in the County of Buncombe I shall expose to sale the following tract of land, or so much thereof as may satisfy the public and county taxes due thereon for the year 1816, 17, 18.

150 Acres given in by John Coulter, supposed to lie on the waters of Newfound on Dick's Creek.

190 Acres supposed to belong to Robert Baily, lying on the above said creek.

50 Acres given in by Henry Wood, lying on Dick's Creek in Green Gates.

396 Acres given in by Jeremiah Davies, local situation unknown.

50 Acres given in by David Gunter, supposed to lie on the waters of Turkey or Sandy Mash Creek.

25 Acres given in by Malachi Reeves, supposed to lie on Sandy Mash.

50 Acres given in by William James, lying on the flats of Spring Creek.

100 Acres given in by Senty Hampton, supposed to lie on Sandy Mash Creek.

430 Acres given in by John Wilson, lying on the waters of Sandy Mash or Turkey Creek.

65 Acres and given in, the property of William Murray—Taxes due on this tract for 1818 only.

200 Acres given in by Abram Davis—Taxes due for 1816 only.

100 Acres given in by William Tatum, local situation unknown—supposed to lie on Spring Creek.

If any person has paid taxes on any of the above advertised lands, for which they are to be sold, an exhibition of legal proof will save the lands from being sold. It is far from my wish to injure any person unjustly.

EZEKIEL H. McELTIRE, D. S.

Stray.

ENTERED on the Stray Book of Iredell County, by Rufus Ramsey, one chesnut sorrel horse, 8 years old, 15 hands high, branded T.G. with a small blaze face, both hind feet white, and shod. Appraised to $72 50.

J. OLIPHANT, Ranger.

Runaways.

COMMITTED to the jail of Lincoln County on the 14th inst. two negro men, who say they belong to a certain John Woodfork of Augusta, Georgia, that they were both purchased in Maryland in February last, and taken to Georgia, and from thence to South-Carolina to sell, and that they made their escape from their owner about a month past. One of the men calls himself John, appears to be about 30 years of age, 5 feet 5 inches high, stout made, has two or three small scars over his left eye and one on the left check.

The other calls himself Richmond, appears to be about 35 or 40 years of age, about 5 feet 9 inches high, slender made, says he is a black smith by trade, and has the marks of being burnt about the hands and arms. The owner is requested to come forward, prove property and take them away.

JOHN ZIMMERMAN, Jailor.

Lincolnton, July 1, 1819. 28-3w

Notice.

AS I am considerably advanced in life, and feeling disposed to pay all my just debts before my departure to a world of spirits. I hereby give notice to all persons to whom I may be indebted, that I am prepared and desirous of paying them. An early call is requested.

ROBERT CAMPBELL.

Orange county, July 9, 1819. 28-3t.

Entered,

BY Benjamin Mays, one bay mare 14 hands high, branded on the right buttock with the letter C. Appraised to sixty dollars. ALSO, another bay horse 13 years old, 14 hands high, had a bell on without a clapper, blind of the right eye appraised to thirty dollars.

J. OLIPHANT, C. R.

June 24, 1819. 28-3t

Stray.

ENTERED on the Stray Book of Wayne County, by Richard Jernigan, who lives six miles from Waynesborough, one sorrel mare with some white spots on her back and one white spot on her rump, four feet 10 inches high, judged to be eleven years old.

URIAH LANGSTON.

June 22, 1819. 28-2w-pd

NOTICE.

HASKEW FOSTER, (living on the waters of Pacolet) has this day entered a stray horse of a bright bay colour, with a star in his face, six years old this spring, about fourteen hands high, no brands, trots and racks, has a small white spot on his back, and valued at forty dollars.

ALEX'R. CARWITH, Ranger.

June 22, 1819. 28-2w-pd

Committed,

TO the jail of Orange county on the 3d of June last, a negro man by the name of HARRY, of dark complexion, about five feet eight or nine inches high, he has lost a small piece of one of his ears; said negro says he belongs to Col Samuel Hunter of Guilford county, the fellow appears to be about 24 years old. The owner is requested to come forward, prove property, pay charges, and take him away

WILLIAM H. ADAMS, Jailor.

Hillsborough, July 1. 28—3tp

For Sale.

THE subscriber wishes to sell his improved lots in Oxford—They are situated on one of the principal streets in the handsomest part of the town, convenient to the best springs and contain a fraction less than two acres. The improvements consist of a handsome dwelling house of two stories high, 18 by 34 feet in width, a good cellar the full size of the house, a single storied house 16 by 30 feet, a kitchen 18 by 20, smoke house 10 by 12; a good framed granary, stable & carriage house.

The healthfulness of the place and the deserved celebrity which the Academies established in Oxford have acquired, render this a very desirable situation for any person who may wish to board and educate their children. I am willing to give the purchaser a good bargain in this property.

WILLIAM BUTLER.

July 9, 1819 28 tf 82.

BLANKS
FOR SALE AT THIS OFFICE.