

THE STAR, And North-Carolina State Gazette.

No. 40.

RALEIGH, (N. C.) FRIDAY, OCTOBER 1, 1819.

Vol. XI.



Entertainment.

MRS. Armstrong, at her large and commodious two-story white house, on Fayetteville street, opposite the Court House, where she is well prepared to accommodate about thirty, or fifty members of the approaching Assembly, takes this opportunity to inform them that those who may call on her, every attention shall be paid them as there will be no pains spared to render her entertainment agreeable. Her terms are reasonable, she has prepared the best tables in the city, for their reception. As for her table, it will be supplied with the best market affords, and is most plentifully.

For a short time will be accommodated as usual, as there is an excellent stable on the lot well furnished with corn, (old and new) and every thing necessary.
Raleigh, September 10, 1819. 37-4f.

Notice.

ALL persons indebted to Joel H. Lane are desired to make immediate payment to the subscriber, as the grace can no longer be extended.
T. P. DEVERFUX, Trustee.
33

Wanted.

TWO Journeymen to the Stage or Wagon-making business, who can do the carriage and wheel and ironing, meet with liberal wages and constant employment.
H. C. WATTS & Co.
Raleigh, April 7, 1819. 15-1f

MONEY!

PERSONS traveling to the Westward or wanting funds at Nashville can be accommodated with a check on the Bank there, for a thousand dollars, in exchange for the notes of any of the Banks in this state. The money is in actual deposit there, of which a sufficient guarantee will be given. Apply to the editor of the Star.
34



WINDSOR CHAIR MANUFACTORY.

THE Subscriber informs the Citizens of Raleigh and its vicinity that he shall continue to carry on the above business, during his stay in this place. Those wishing to supply themselves with the above, will do well to call at his shop, a few doors east of the Market-House at the sign of Figure Hope, as I am determined to sell low for cash or country produce. I also will turn columns for porticos or porches in the neatest and most approved style at a short notice. A sample of my work may be seen in Dr. Burgess's new porticos, and at my shop at this time.
JOEL BROWN.
June 24, 1819 26-4f.

Wanted.

A NEGRO BOY from ten to thirteen years of age. Apply to the Editor.

New Line of Stages

FROM WARRENTON TO DANVILLE.
THE subscriber having contracted to convey the United States Mail from Warrenton to Danville informs the public that his stages on the above route will leave Warrenton every Thursday and arrive at Danville on Friday night. Leave Danville every Saturday and arrive at Warrenton on Sunday.
WM. GHOLSON.
August 16, 1819. 34-4f.

For Sale.

THAT valuable situation, near Edenton, called Pembroke, the residence of the late Stephen Cabarrus, Esq. containing upwards of 1500 acres, on which is a large well finished dwelling house, out houses, a barn, and stables all in good order. Connected with the plantation is an excellent fishery, believed to be under all circumstances, amongst the most profitable in the state.

This property will be disposed of on the 5th day of November next, on the following terms—One third of the purchase money to be paid at the time of sale, one third in twelve, and the remainder in eighteen months—the purchaser giving bond with two sufficient securities.

The Executor in giving this notice follows the directions of his Testator, by advertising the property "in all the news papers of this state."
SAML TREDWELL, Ex'r.
Edenton, July 16, 1819 31-4f.

The State will please give the above advertisement insertion from the 1st of July, to the first of November, and forward their accounts to me for payment. S TREDWELL.

Notice.

AT the last term of Wake County Court, the subscriber qualified as Executor of the last will and testament of Caleb Jeter Deed. All those having demands against said estate, are requested to present them within the time limited by law, and those indebted, are requested to make immediate payment as indulgence cannot be extended.
THO. COBBS.
Exr. of C. Jeter.
Raleigh, 31st. August 1819. 36-4f.

For Sale.

BETWEEN seven and eight hundred acres of land hand somely situated, within two miles of the University of North-Carolina, on Preswood and Lick Creeks. A good proportion of this land is excellent low grounds. The whole tract is well adapted to the culture of corn, wheat, tobacco or cotton. This tract of land could be divided for the accommodation of purchasers, as it contains two plantations, which are in good repair for farming, a dwelling house and all necessary out-houses, a cotton machine and whiskey distillery. As it is presumed the purchaser would wish to view the premises, those inclined to purchase are respectfully invited to call and see me. A great bargain may be had by an early application.
JARRATT YEARGIN.
February 24, 1819 9f

Blank Checks, FOR SALE AT THIS OFFICE.

Notice.

THE Subscriber has for sale, at his manufactory eighteen miles west of Petersburg, Va. a large assortment of work in his line of business viz—

Crockery and Glaziers with double and triple stems, with elegant trimmings and plated bell bands.

First rate Patent axes, with sword edges, with the best set springs, with plated bell bands and full plated joints, and leather tops.

Tally-hay gear with grasshopper springs, (the new fashion) double and single.

Single Sashes and Stick Gigs, double and single, with or without tops.

Low priced Family Stages, handsomely finished, fitted to work with one or two horses.

Elegant Baskets, with elastic springs, with handsome tops, with Morocco linings, fixed to work with one or two horses.

With a variety of other kind of low priced work suitable for families and traders.

An excellent assortment of the best plated and brass mounted Harness for Carriages and Gigs and family Stages, &c.

The subscriber tenders his sincere thanks to the patrons of his manufactory living in this state, for twenty years past, and trusts that their future orders, and those of their friends, will be thankfully received and duly attended to.

The whole of this work has been made up by the first rate Northern workmen, who are entirely devoted to the finishing of work of the best kind, which can be with confidence recommended to the public at large.

STEWART WOODWARD.

Poplar Grove,
Dumfries county, Virginia, July 5, 1819 29-6m.

Ten Cents Reward.

FOR Nathaniel Nelson and Chapman Brown, apprentices to the shoe-making business, who run away from the subscriber on the 4th inst, taking with them (each) a set of shoetools. Nelson is some the rise of twenty years of age, about five feet high, light complexion, grey eyes, large flat face, fresh countenance, stout built, with a down look. Brown is about ten years of age, scrawly grown, between four and five feet high, thick built, pale yellow unhealthily countenance, dark hair, hat on when he went away, striped home-spun pantaloons, a low-spirited roundabout jacket, a high bell-crowned hat. I will give the above reward for said apprentices, if delivered to me in Snow-Hill Greene county, and all reasonable expenses paid, or for any information respecting them that will lead to their apprehension. All persons are forwarded from harboring or employing said apprentices, under the penalty of the law.
THADDEUS HOWKINS.
Snow Hill, Sept. 5, 1819. 38 5 1/2 p.

Political.

FABRICIUS.—No. 2.

To the Editor of the Richmond Enquirer.

SIR—An enquiry into the rights of the states to incorporate banks, may be supposed to make it necessary to contrast the powers of the states, and the general government in this respect. Because, it certainly would afford a strong argument, that the power exists in the states, if it has never been conceded to the United States, since all power not conceded to the United States and not prohibited to the states, is retained. I shall abstain, however, from going into any very protracted investigation of the right of Congress to charter a bank, first, because of the peculiar circumstances of delicacy which exist in relation to the present bank, whilst the existing charter continues; and secondly, because that subject has been amply and repeatedly discussed. I will content myself with remarking, that I do not find amongst the enumerated powers of Congress, that of giving a charter to this or any other corporation, nor does it appear necessary or proper to carry any specified power into effect. These words, "necessary and proper," I use in the sense that comports with the plain and general understanding of mankind, and with the construction which has been uniformly put on them by the republican party in this country, from time to time, when there was a contest about them, between Mr. Jefferson and Mr. Randolph on one side, and Mr. Hamilton and Mr. Knox on the other.

When the constitution says a power must be both necessary and proper, to a plain and unlettered man, it would seem unintelligible to contend, that the framers of the instrument meant it might be proper only. Besides, it is inconsistent with the nature of the government. It is known that great jealousy was entertained against giving to the government the character of a consolidation. Once great consolidated government, for such a nation so extended, and embracing such a variety of interests, would have required a degree of energy inconsistent with freedom. The state sovereignties were therefore to be preserved, and the general government only to possess certain specified powers, for purposes of a general nature, such as providing for defence, regulating commerce externally, and attending to the exterior relations of the government. Thus, the federative principle was made the vital one of the government, and consolidation, the great source of danger and alarm in the estimation of many avoided. The clause about "necessary and proper" powers was inserted, as the lawyers say, *ex abundanti cautela*. To construe the word "necessary" as merely meaning *expedient*, would be to subvert the whole character and nature of the government—more especially as it is contended that Congress is to judge of the expediency of the means—it would bring every thing within the *arbitrium* of that body. One vest a government with all the power it may deem expedient to exercise and a people would hold their liberties, by somewhat the same kind of tenure, which a certain prime minister of an eastern despot supposed he held his head—which every time he came out of the presence chamber, he felt, to ascertain whether it was on his shoulders. This will be the effect of giving so broad a construction to the word "necessary," whether you consider the collateral power as a necessary means, as some have contended, (which is only a change of phrase), or a substantive auxiliary power. It appears that Mr. Ha-

milton, in pa. 117 vol. 4, imputes to Mr. Jefferson the construction which I deem correct. He says, "To this mode of reasoning respecting the right of employing all the means requisite to the execution of the specified powers of the government, it is objected that none but necessary and proper means are to be employed, and the secretary of state maintains, that no means are to be considered as necessary, but those without which the grant of power would be nugatory." This was Mr. Jefferson's construction, and I believe the true one.—Mr. Hamilton's appears in the next page, 118. He says, "It is essential to the being of the national government, that so erroneous a conception of the word necessary should be exploded. It is certain that neither the grammatical nor popular sense of the term requires that construction. According to both, necessary often means no more than a needful, incidental, useful, or conducive." This is Mr. Hamilton's interpretation, and the difference between the opinions is certainly "far as the public regards." It is not merely a difference of terms: it is a vital and radical difference of opinion as to the character of the government. Mr. Hamilton's might have been necessary to give it splendor, to make it a great, and in his idea a glorious government. But our ancestors did not fight for these dazzling objects. Their aim was freedom, was safety, and they knew these were secure to them in their state governments, which would protect their persons and their property; and all they meant to give the general government were such powers as they chose to specify in their constitutional charter, or such incidental ones as were necessary, that is indispensable to the exercise of those specified powers. Once depart from this rule, and the general government possesses that omnipotence, attributed to the parliament of G. Britain, and which has been almost truly, though facetiously said to be able to do any thing but change the sexes.

In adopting the construction of the word necessary which I do, I think I am justified by the plain import of the word, by the spirit of the government, and by the interpretation of enlightened and patriotic citizens, many of whom assisted in framing the constitution. Nor do I deem the last consideration of little import. In settling a point of political faith and orthodoxy, it is a great consolation in aid of the suggestions of my own conscience, to find I am supported by the fathers of the church, the first Secretary of State and Attorney General, the author and supporters of the report to the Assembly in 1789 and the enlightened author of Hampden.

The absence then of any power in Congress to charter a bank, the circumstance of an effort to give such a power, which failed, are strong to show that it was not intended to be conferred. If it was not conferred on the general government, nor prohibited to the states, it is possessed by them unless there be something in their own peculiar constitutions to prohibit it. If there had been any intention in the constitution to prohibit the power of banking to the states, they would have prohibited it in terms. The subject was before them, in the rejected motion I have spoken of. The constitution does contain too, prohibitory provisions on the powers of the state governments. Why not then prohibit this, if it was so intended?

Another circumstance is of great weight. At the time the constitution was adopted, there was at least one bank in existence—perhaps several. The Bank of North America was an existing bank carrying on operations under the eyes of the convention. It was chartered by Pennsylvania (and some of the other states, as I am informed,) and had rendered essential aid to the government under the confederation. Could the convention have been insensible of the existence of this bank? And yet we find no provision giving congress the power to establish a bank or other incorporation, nor prohibiting it to the states. The irresistible conclusion seems to be then, that the framers of the constitution meant to leave this power where it was then exercised. This course was consistent with the spirit of the instrument which did not intend to let the general government interfere with all the minute and individual concerns of the people, but to be employed in the management of those general subjects, and external affairs which could not be exercised by the state governments; but naturally devolved on the head of the confederacy.

FABRICIUS.

FABRICIUS.—No. 3.

SIR—It appears from what has been stated, that there is no power given to the general government, to incorporate a bank; certainly not in express terms; and it is believed not incidentally, if the meaning of the word "necessary," be such as has been contended for. The government conducted the affairs of the Union for a considerable time without the agency of the bank, and carried us through a war of great difficulty. It can hardly be said to be an indispensable auxiliary power.

Again; those who seem to think it so, have been somewhat puzzled to designate the particular general power, to which it is to be incidental, fluctuating at different periods, amongst certain specified powers, which taste or caprice may have selected as most important. It may be doubtful at last, whether in the pressure of

PUBLISHED WEEKLY,
BY THOMAS HENDERSON, jr.
Subscription, THREE DOLLARS PER ANNUM—NO PAPER SENT WITHOUT PAYMENT AT 150 CENTIS PAID IN ADVANCE, AND NO PAPER DISCONTINUED, UNTIL THE DEPOSIT OF THE NEXT ISSUE, UNLESS OTHERWISE ORDERED. ADVERTISING RATES NOT EXCEEDING TWELVE LINES INSERTED IN THIS CITY FOR ONE DOLLAR, AND TWENTY-FIVE CENTS FOR A CENTLINE.

State of North Carolina, Harris County.

Court of Pleas and Quarter Sessions, August Sesss. 1. A. D. 1-19.

Esmond Ettinger, Margaret Ettinger, by Lydia Ettinger, and Lawrence K. Lane guardian, John Ettinger, Lawrence Ettinger, Henry Miller and Elizabeth his wife, Christian Hartman and Gottrud his wife, John Kestey and his wife Catherine, Jonathan Hartman and Maria his wife, or Hugh Yuley, Peter Shuster, Samuel Myers, Peter Lane, Jos. P. Waggoner, Solomon Ferrington, George Myra, John P. Ettinger and Sophia his wife, Daniel Walker and Mary his wife, Hartman Livengood and Elizabeth his wife, Philip Ettinger, Christopher Ettinger, Christian Ettinger, Lewis Ettinger and Joseph Ettinger—Petition for partition of land.

In testimony whereof the seal of the Court, that the defendants Lewis Ettinger, Joseph Ettinger, Philip Ettinger, Christopher Ettinger, and Christian Ettinger are not indebted to this state: It is therefore ordered by the Court that the defendants aforesaid, Lewis Jacob, Philip, Christopher and Christian Ettinger, or the heirs of Christian Ettinger, appear at the next Court of Pleas and Quarter Sessions of Harris county, to be held on the third Monday of November next, at the Court-House in Salisbury, there and there to plead, answer, or demur, to said petition, or the same will be taken as confessed, and legal expense made for the work and it is further ordered that publication be made for six weeks successively in the Star, printed in Raleigh, and at the Court House in Salisbury.

Test, JNO. GILES.

24th Price adv. \$4,35

LAND FOR SALE.

THE subscriber being desirous to remove from this state, offers for sale his valuable plantation, containing upwards of 1600 acres of land, with upon it a good dwelling house, a young orchard, and all necessary out houses—a healthy situation, ten miles west of Raleigh. He will, to suit the convenience of purchasers, divide the above tract, and sell the one half, on the whole. He has also for sale a separate tract in the same neighborhood, containing 220 acres equal to any land in the country. For terms apply to the undersigned.
August 18, 1819. J. S. JONES.

TAKEN UP.

AND committed to Jail one negro man, who sometimes calls himself by the name of Isaac Brown, at other times Bell. (He is thought to be a runaway)—he is a black, curly looking fellow, about five feet six inches high, some small scars in his face. Any person claiming said negro is hereby requested to come forward, prove property, pay charges and take said negro, within the time prescribed by law.
B. PHILIPS, Sheriff.
Washington County, N. C. August 17, 1819 35-4m.

Entertainment.

THE subscriber respectfully informs the public that she will continue to keep a house of Entertainment at the U. H. HOTEL.

Near the Court-House. A young man of integrity has been employed to attend the RAIL, which will be furnished with the best spirits the country affords. Her house is large, affording convenient and private rooms for Families and Travellers. Every exertion will be made to accommodate comfortably those who may patronize her Establishment.
Raleigh, September 3, 1819. 36-4f

Notice.

THE creditors of Joel H. Lane are hereby notified that ninety days from this date are allowed them to exhibit their claims to me, and signify their consent to a deed of assignment this day executed—after which time, by the terms of said assignment, they will be deprived of any benefit resulting from the trusts therein declared.
T. P. DEVERFUX, Trustee
August 3, 1819.

State of North-Carolina.

Treasury Office, September 1. 1819.

THIS will remind the Sheriffs of the several counties in the state aforesaid, who have not already accounted for & paid into the Treasury the public taxes of the current year, that the time is at hand when full must of necessity be done; & that obtaining short of a full performance of the duties enjoined by law in this regard, will enable them to sustain that high reputation for punctuality and faithfulness which, for years past, they have so well deserved, and which has so generally, not to say universally, been accorded to them.
JOHN HAYWOOD, Public Treas'r.
36-4f

One hundred dollars reward.

UNAWAY from the subscriber, on the 30th July 1819, two negroes, one man named Jacob, about thirty five years old, of yellow complexion, about five feet ten inches high, when spoken to, answers very quick. When he runs away from me he carried with him one blue coat and pantaloons of common broad cloth, one pair ditto of green home-spun, double worsted, and one new turned hat and one pair of boots. The woman named Judy, about forty years old, little inclined to yellow, of a thin visage, thick lips, with a braided braid. When she last met me she carried off two silk frocks, one of them were black, and the other checked, one bonnet, of red chingale silk. Jacob is a very sensible cunning fellow and will try to pass as a free person of colour. I think it likely they have procured free passes, Jacob will likely pass by the name of John Bell, he can read—Judy will pass by the name of Vilet Horn, as she has procured a pass from a woman by that name. I think it most likely they will make for the north. I will give the above reward to any person delivering them to me or securing them in any jail so that I get them again.
EZEKIEL STATON.
Fayetteville, July 25, 1819. 33-51,50p.

Uncommon.

COMMITTED to the jail of Stokes county, on the 28th day of August last a white woman, who says her name is Sally Henderson, together with a negro man, who says his name is Gilbert and belongs to Andrew Bafton, of Rowan County, N. C. the woman when first apprehended, claimed the negro as her own property, but it appears from every circumstance they intended going to some Foreign Country.
WM. BARR, Sheriff.
Sept. 10. 38—

Fall Goods.

WE are now receiving by the Ship Tobacco-plant, from Liverpool, a large and extensive assortment of Dry Goods, and hourly expect by the Virginia the balance of our importation, which will make our assortment complete. These goods are laid in on the very best terms and offer them to our friends and customers on the usual credit, or at reduced prices, for North-Carolina Bank Paper at Par.
BROWN & ARMSTED,
Petersburg, Sept. 10. 38-2mpd.