

# Wilmington Centinel,

## AND GENERAL ADVERTISER.

W E D N E S D A Y, JULY 30, 1788.

For FALMOUTH or PLYMOUTH, in ENGLAND,

The BRIGANTINE **F A M E**, JOHN HANDS, Master, Will sail (wind and weather permitting) in FOURTEEN DAYS.

For light freight or passage, enquire of the Captain on board said vessel, or of

JOHN BURGWIN.

Wilmington, July 23. 21—22

To be SOLD,

The following tracts or parcels of

**L A N D**,

Being part of the estate of the late General Waddell, viz.

TWO HUNDRED acres of land in Anson County, on Jones's Creek, adjoining the upper line of J. Meadows, on the North side of said Creek.

500 acres of land in Anson County, on the S. W. side of Pedee River, the North fork of Wild Cat, on the East side of Waxhaw Path.

640 acres of land in Anson County, on the South-West side of Pedee River, on the South-East side of Richardson's Creek.

640 acres of land in Anson County, on the South-West side of Pedee River, on Wild Cat, in the upper line of James M'Manus' land on said Creek.

500 acres in Anson County, on the S. W. side of Pedee River, South of the mouth of Lynche's Creek, about half a mile above Spring Settlement.

600 acres in Anson County, on the S. W. side of Pedee River, on the North side of Anson's Creek.

300 acres in Anson County, on the waters of Dutch Buffalo, adjoining the lands of John Brandon's and Henry Swiffer's lands.

490 acres in Anson county, on Lean's Creek, below the Catawaw Path.

500 acres in Anson County, on the S. W. side of Pedee River, on the Waxhaw Path, where it crosses the North Fork of Wild Cat.

320 acres in Anson County, on the South-West side of Pedee River, on the North side of the North Fork of Cat Creek.

N. B. The above-mentioned tracts were all patented in Anson, but that County having since been divided, it is probable some of these lands may now be in the adjacent Counties.

140 acres patented in Cumberland County, but now in Chatham, upon the East side of Bear Creek.

720 acres in Rowan County, situate on both sides of Crane Creek, adjoining Salisbury town line.

A L S O,

A lot in the town of Salisbury, known by No. 13, in the North-East square, joining John Dunn, Esquire's lot.

For further particulars, enquire at

Wilmington, of **HUGH WADDELL,** OR **JOHN B. WADDELL.**

Wilmington, July 23, 1788. 21—

**T O B E S O L D,**  
**At Auction,**

On TUESDAY the FIFTH Day of AUGUST next,

**A Negro Wench,**

Belonging to the estate of John Lyon, Esq. deceased. Said Negro being sold in order to discharge the debts due from said estate.

By order of the Executor,  
**THOMAS WRIGHT, Sheriff.**

Wilmington, July 16. 20—

**T O B E R E N T E D,**  
**The HOUSE**

where the late Mrs. LYON resided.

Inquire of  
**A. MACLAINE.**

June 25. 17—

**T O B E L E T,**  
**A Convenient DWELLING-HOUSE,** with a Wash-House, Yard, and Garden.

For terms apply to  
**WILLIAM HOOPER, jun.**  
Wilmington, July 16. 20—

**B L A N K S,**  
**OF VARIOUS KINDS,**  
For sale by the printers hereof.

**M I S C E L L A N Y.**

**A COMMENTARY on the first Chapter of the Law made in the year one thousand seven hundred and eighty-six, with OBSERVATIONS political and useful.**

**BY A**  
**MODERN COMMENTATOR.**

(Continued.)

**GENERAL OBSERVATIONS.**

**I**n our brief explanation of the act, as we passed along, we occasionally mingled it with a few observations, in order to pave the way for some notable doctrines, and remote (though certain) consequences, which are only to be pervaded by the better informed, and the comparative few, who move in the more elevated walks of life, for which superior class I alone condescend to write. As for the mass of Plebeians which compose infinitely the greater part of mankind, if they were even to read, they would understand little or nothing of the matter, and it would be extremely unfit they should.

Voltaire says: "In every society there is a constant effort to confer on the one part the right of power and greatness, and

on the other, the extreme of misery and wretchedness." This great man must be understood with a little restriction. In every society there are perpetual efforts for the acquisition of superiority; the opposite follows as a consequent of the prior acquisition, and is by no means the cause of a primary exertion in the human mind, only as it conduces to the first—every acquisition of superiority being an inevitable bequest of inferiority to a different object. The supreme power of the state of North-Carolina have beautifully illustrated the above position, which we shall see presently.

At the dawn of peace, when the glare of military life began to contract, and (to all appearance) at length entirely vanished, the acquisition of property (the most necessary ingredient of superiority) became the legislative pursuit, the ground-work of which we find laid with great judgment and forecast in a number of acts which precede the one under view, which is also a link in the great chain, and tends to facilitate the approach of greatness and power, the blessed and insupportable train of property. Large territories have been secured, in fertility and extent, greatly exceeding any in the world, which support a brilliant and envied superiority.

The next object is to get inhabitants, from whom is to be exacted the contributions of this longed-for elevation. This is the main and only intendment of the act under view, whatever ostensible causes might have been thrown in by the sagacious few. For the employ of the greater number that compose the assembly, least, by possibility, they might see a little further than was convenient; for there are a great number of popular leaders in the assembly, who, from the great influence they have in their respective counties, and their several sacred magnitudes, it becomes necessary to give great allowances, and even accede to acts, which, for their injustice, are unequalled by every thing but their absurdity, which happily like a contrary power in mechanics, prevents them from falling into execution. At this place it becomes necessary to make a very considerable digression, upon which, good reader, if you will keep your eye, you will find to be of considerable use in setting in a clear light and meaning, the necessity of those concessions and allowances, which might otherwise reflect upon the understanding of the aforementioned few. The instances which follow, which immediately follows the subject of our commentaries, entitled, "an act to bring to condign punishment," &c. &c. There is a new and unheard-of punishment created. Death without benefit of clergy, for forfeiting a recognizance. It is even death without benefit of clergy, for a person to assist his friend to remove out of the state when his convenience might dictate; and property, both real and personal, we find bound by virtue of a naked charge, which themselves have made bailable; and open and violent robbery sanctified and purged by a subsequent law. Here we find there is no need to hunt these voluminous compilations of law, and the minutiae of cases with which the judge and the lawyer must be acquainted, in order to follow the clue of justice and truth, so necessary to support a uniformity in decisions, and harmony of precedents.

This law, supported, strikes out a new path, without deigning to receive light or assistance from any quarter. But the popular ferment ran high against a number of individuals, and whilst those leaders were estimating their magnitude by the tremendousness of their innovations, the few had leisure to suggest their schemes, and bring them forward into law without the least danger. In this instance, the concession of the few might appear too great, but if there had been a necessity for this law to have applied in all its parts, the lawyers would have overruled it in the first instance—again the judges would not have decided upon it. Again, in the act imposing certain disqualifications, &c. and its operations again extended in a subsequent assembly, in an amendment of said act. Here we will find a law created, to operate upon certain persons who had long before underwent a legal purgation, by virtue of the indemnifying act. Tantalizing tyranny indeed!ardon and afterwards punish.— If there was any virtue in the indemnifying law, the above retrospective act, could possibly have no subject-matter to operate upon, the crime being previously swept away by the act of indemnity. Another instance of acquiescence, we will find in an act for increasing the jurisdiction of the county courts; and in a following assembly, an act to amend the above act, there is a striking instance of the great power and difference those turbulent leaders extort. In the first case they have taken it into their heads, that the appellate jurisdiction of the superior court is an evil that calls for their mighty intervention; accordingly we find the jurisdiction of the inferior court extended over a great part of the superior, and to render the latter still more contemptible in its appellate capacity, they have created a phantom to frighten the honest and undiscerning from having recourse to an appeal, when they might think themselves aggrieved in the court below. This is the twelve and a half per cent. interest due from the passing judgment in the court below till the final decision in the court above, to be paid by the appellants, if unsuccessful. Here this act makes a mighty addition to the importance of those who begot it, and no damage done at the same time, as it can have no sphere of operation under our system of laws and court proceedings. Every cause, brought up by appeal, is determined in the same manner as if it had underwent no precedent adjudication in any court below whatever, consequently there cannot be any such thing, as either an affirmation or reversal, which only takes place in writs of error, where an account of proceedings below is carried up by the record, which furnishes subject-matter for either the one or the other; thus we see neither in law nor justice, any recovery can be made of the twelve and half per cent. although it sticks there as a considerable scarecrow; and in the amendment before-mentioned, they have endeavoured to curtail the jurisdiction of the lawyers also, by making it a