

## RALEIGH, (N. C.)

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## MILITARY CLAIMS.

## WAR DEPARTMENT,

SECTION OF BOUNTY LANDS,

September 6th, 1817.

Extract of a letter to ———, explanatory of the principles upon which certain official documents from Local Authorities in the several States are required in support of Posthumous Claims to Military Bounty Land, or its legal equivalent.

SIR—Several applications for "Five years half pay" in lieu of Bounty Land, transmitted to the War Department through your intervention, have recently been examined. After so much information on the subject as has been disseminated by the medium of newspapers, as well as by the many hundreds of Hand-Bills which have been distributed through the hands of Members of Congress and other gentlemen who have visited the city of Washington, it gives me pain to find that a very great portion of the Documents transmitted to the officers of government to support applications of this class, is so very deficient as to defeat one of the principal views of a sage and paternal Legislature—that of conveying prompt and effective succor to a numerous class of the community whose present sufferings have, in a great degree, arisen from services rendered the country.

No new, or difficult proofs, or unreasonable authentication of documents, have been required from claimants, under the beneficent laws in question: but as the files of this office have a special bearing upon what is technically styled "Real Estate," and may be subjected to legal scrutiny many years hence, when no person who now has any share in the administration of the existing laws may be present to explain the "why" and the "wherefore" such or such documents were deemed admissible—so it is thought highly expedient that each separate file of vouchers which records an alienation of public property should be complete in itself, and require a reference to any other file or document whatever, to attest the correctness of its admission to the archives of the War Department.

It is this general principle (which appears not to be generally understood) which has necessitated a regulation that many individuals appear disposed to quarrel with, and that many others neglect through inadvertence, because, perhaps, the local laws of the state where they respectively reside, do not render its observance necessary in ordinary cases. For example: in every state of the American Union, there are Justices of the Peace, or other magistrates, authorized, by the constitution and laws of each state, to administer oaths, to legalize depositions and affidavits, and to attest acknowledgments of all legal instruments of writing. In one individual state there are several hundred Justices of the Peace: in another where this class of civil officers is likewise very numerous, there are also four other descriptions of magistrates, who occasionally perform the same services for their fellow citizens; and as the appointment of such magistrates is not permanent, the succession in a few years may become almost innumerable. Their respective qualities and signatures may possibly be so well known to the residents within a county, or perhaps throughout the state, as not to need any further authentication for local purposes; but it is supposable that the respective signatures of all the magistrates of those several descriptions throughout our widely extended union, can be known in this office? If by hazyard such signature should be known to some one at the seat of government, that knowledge, however satisfactory it might be considered at the moment to one individual, might not appear to be a sufficient sanction for the disposal of a portion of the public domain or its equivalent, to a collection of public men who might be specially authorized to examine the records of this office some twenty years hence. Upon these considerations, it has long been deemed proper that one general rule should be applied to all such cases: that is, that the quality (and the signature where it can be done) of the numerous classes of magistrates alluded to above, should be officially certified by a public officer, who has, or ought to have, custody of a general or partial authentic record of the appointment of all such magistrates, and who is authorized to sanction his certificate by a public seal, to counterfeit which is deemed a capital crime. The highest authority required in this case, is the Secretary of the State; but the "County Clerk," or, in those states where no civil officer is generally known by that appellation, the officer whose functions are equivalent thereto, is fixed upon as the certifying officer; because it is believed that, in most of the states, a record of the justices in commission in each county is there kept; and, although the officer, who has charge of that record should not in every instance be able to attest the signature of every acting magistrate within his district, yet he can safely ascertain his quality, and sanction it by the proper Seal of Office, provided such a seal exists: if not,

his certificate should state that fact. This circumstance sometimes occurs in the new states and territories; but it is presumable that an instance of it cannot be found in the Atlantic states. In some sections of the United States, the same individual is sometimes authorized to act in the quality of both "County Clerk" and "Notary Public"; but he is, or ought to be, aware of the importance of keeping the records of his transactions in each capacity separate and distinct, having a public seal appropriate to each of those offices; and yet I have more than once had occasion to notice mistakes between them, which vitiated important documents transmitted to this office.

A National Certificate—is declaredly conclusive here, in certain cases;—but not as to ascertaining the quality of other Magistrates; for although the government of the Commonwealth to which he belongs may have deemed it useful and proper to communicate to him, as a Notary Public, the names of the Justices in commission, yet it is not among his attributes in quality of Notary Public that he is charged with the Official Record of other acting Magistrates;—therefore, the Certificate of a Notary Public to the quality of any other Magistrate is not recognized at this office as valid:—Nor can his merely adding "Notary Public" to his signature be allowed any weight more than a "Justice of the Peace" without affirming his Official Seal, even in cases where that quality would be competent.

I must take this opportunity, likewise, to make a similar observation relative to another document which ought always to have its appropriate Seal affixed to it, if one there be in the office;—or bear a proper attestation that there is no Official Seal—if such be the fact: I mean the Copy of a Letter of GUARDIANSHIP meant to be received here as Official—often bearing a signature totally unknown at this office, with the designation "Register" annexed to it.

It is readily acknowledged that much is due to the meritorious services of those individuals in whose Right these Posthumous Claims are instituted, and that all possible despatch ought to be made to relieve the sufferings of their numerous Representatives:—but surely it is not blameable in any individual, however humble a share he may have in carrying the benevolent intentions of government into effect, to be vigilant that the public interests receive no injury through his indifference or neglect;—nay, I am so old fashioned in my civic-sentiments as to think that such is his indispensable duty.

## DOMESTIC.

STATE OF MISSISSIPPI.—The convention finished their labors, and signed the constitution of the 15th ultimo. The following general view of the draft reported, and which is said to have received very few and slight alterations, may enable our readers to comprehend the principles of government adopted in this new sister of the confederation. We have now twenty states—Indiana and Mississippi having been added during the late Congress:—

Every free white male person, of the age of 21 years and upwards, who shall be a citizen of the United States, and shall have resided in the state one year next preceding the election, and in the county where he offers to vote six months previously to the election, and shall have enrolled in the militia, or shall have paid a state or county tax, is deemed a qualified elector. The first election is directed to be by ballot, subject to future regulation by the legislature.

The election for members to the house of representatives is annual, on the first Monday and Tuesday in August. A member to the house of representatives must be an inhabitant of this state two years preceding his election, and the last year a resident of the county, city or town he offers to represent—shall have attained to the age of 22 years, and hold in his own right one hundred and fifty acres of land, or an interest in real estate of the value of five hundred dollars, within the state. Towns and cities are entitled to separate representation, when they have the established ratio. The general assembly at their first meeting, and in the year 1820, and in not less than three nor more than five years thereafter, shall cause the census of the state to be taken, and apportion the representatives among the counties, cities and towns of the state, according to the number of free white inhabitants, and shall not be less than 24 nor more than 36, until the number of free white inhabitants exceeds eighty thousand, and after that event the whole number of representatives shall not be less than 36 nor more than 100. Each county shall have at least one representative.

The senators shall be apportioned among the districts established by law according to the number of free white taxable inhabitants, so that they shall not be more than one third nor less than one third nor less than one fourth of the whole number of representatives. The senators are elected for three years by the qualified electors, and classed so that one third goes out annually. A senator must be a citizen of the United States; shall have been a citizen of this state 4 years preceding his election, and the last year a resident of the district he represents; must be 26 years of age; hold in his own right 300 acres of land within the state, or an interest in real estate of the value of one thousand dollars.—No senator or representative shall be eligible to any civil office of profit under the state, during his term of service and for one year thereafter, which shall have been created or the emoluments thereof increased

during such term of service, except offices filled by the people.—No member of either house after taking his seat, is eligible to any office within the gift of the legislature or either branch thereof, during his term of service.

The first session of the general assembly commences on the first Monday in October next, and shall sit in the city of Natchez.

The governor is to be elected for two years by the qualified electors. He shall be at least 30 years of age—a citizen of the United States, and shall have resided in this state five years preceding his election, and at the time of his election and twelve months previously thereto—be seized in his own right of a freehold estate of six hundred acres of land, or an interest in real estate of the value of two thousand dollars. The governor and senate have the power of granting pardons in cases of treason—the governor shall grant pardons, except in cases of treason, and remit fines and forfeitures, under such rules and regulations as the general assembly may prescribe. The governor has a veto on the laws, but two thirds of the members of both branches of the legislature may pass a bill when returned with the governor's objections, or if the governor should not return the bill within six days after he may have received it. On Wednesday Mr. Simpson proposed to amend the report of the committee of the whole, which contemplates making appointments to office by joint ballot of both branches of the legislature, by changing to the mode of appointment under the constitution of the United States—which was decided in the affirmative.

The original report gave the executive and senate the power of nominating and appointing the officers of the government where their appointment had not been directed by the constitution to be by election, or left with the legislature. The question then recurred on concurring in the report of the committee of the whole, recommending the mode of appointment by ballot of both branches of the legislature, and striking out the provision of the original report, which was decided in the affirmative.

The constitution provides for a lieutenant governor, who is elected at the same time, by the same electors, must have the same qualifications, and continues in office the same length of time as the governor. He is president of the senate, and exercises the powers of governor, in the case of his death, absence, or inability to act; and receives, when acting as governor, the same compensation for his services as the governor.—When acting as president of the senate, the same pay as the speaker of the house of representatives, but no salary. In case of the death or absence of the governor, the senate is directed to choose a president, who discharges the duties of governor, in case of the death, absence or resignation of the lieutenant governor.

The judicial power of the state is vested in a supreme and superior courts, and such inferior courts as the legislature may think proper to organize. The judges of the superior courts hold the supreme courts, but the judge who decides a cause in the circuit shall not sit on the same cause in the supreme court. The state is to be divided into districts, which shall not contain more than six nor less than three counties, and a judge appointed in each district, who shall, after his appointment, reside in the district. The judges may hold courts for each other at pleasure, or as the legislature may direct. The judges of the supreme and superior courts, are elected by both branches of the legislature, and commissioned during good behavior. They can be removed from office by the governor, on the address of two thirds of both branches of legislature, for wilful neglect of duty or other reasonable causes. The reasons for such removal must be recorded in the journals of each house of the general assembly, and the judge notified and heard in his defence before such address shall pass. They can also be removed on impeachment by two thirds of the house of representatives, and conviction by two thirds of the senate. Justices of the peace have jurisdiction to the amount of fifty dollars, reserving the right of appeal. The judges of each court appoint their own clerks. The legislature have power to establish one or more courts of chancery, separate from the superior court, when they deem it expedient.

## NEW YORK.

Extract of a letter, dated Albany Aug. 28, 1817. "There is another precious patriot just blown up in the vicinity of this city—Calvin Cheesman, a most furious patriot, of the years 1813 and 14; the time of free trade and sailors rights, the time that tried men's souls, yes, and their honesty too, and how many of them have turned out rascals! N. B. That note of admiration is wrongly placed. This same Cheesman kept a tavern and store, (I say kept, for they carried him to Schenectady jail yesterday, in Princeton, a little town in the county of Schenectady,) from the counter and bar-room of which, he has harangued all who came for rum, gingerbread; or a drawing of tea, on the virtues of the administrators of the state and general government—of the patriotism of their supporters, and of the blue light infamies of the federalists. Sir, it would have done your heart good to have seen him, as I have, play with his watch-chain and descant on the excellence of the cider with which the army of Hull was furnished. Gods! how he would sink our enemies and exalt our friends—the emperor of the French? But this is by the bye. Calvin Cheesman, a native of some out east, out-skirt, I meant to say, town in Massachusetts, took up arms under Daniel Shays, a memorable leader, who endeavored to revolution-

ize that state, and to level court houses, judges and juries with the dust; Old Shepherd, who had been in the continental army, under the authority of government, opened a fire from an eighteen-pounder or two on the gentlemen in-burgens, and sent them scampering. Calvin sunk his musket in Chickabee river, and scampered off to this happy state, where there was, at that time, lighter taxes, and less restraint either civil or religious.—Here he began in a small way to make the best of his time and talents: He could rive a stove, shave a shingle, or teach little children to spell. They were honest callings, and probably the best part of his life was passed in them; by best I don't mean longest, or as we say, most lengthy; but the most worthy. He married the only legitimate child of a man who had many other children—the father died, and Calvin heired his property—the law allows it, and the court awards it? Become comparatively rich, his mind soared in search of future greatness; and if the means were not exactly honest, and he hoped would sanctify them. I can't praelect this sketch by speaking of his own or his brother's failures—suffice it to say, that after any difficulty, a new acquisition of lands or tenements was made—he was richer than he was before.—When the war commenced, he commenced orator of the free trade and sailors rights. The council of appointment made him a judge; and assurance being given that his bills should be taken in preference to others at the gates of the great western turnpike road, he became a banker. "Payable at my store and tavern on the great western turnpike, sixteen miles from Albany," was printed on their face—and away they went. His shop was, for his patriotism I presume, made a post-office, from which he could send, and into which, free of postage, his letters respecting finance could be received. I doubt if the revenue ever was benefited a sixpence by the establishment; be this as it may, what by post-office packages, and by runners, or rather riders in one-horse wagons, he distributed a world of his bills all over the western country. One of his riders is also a judge of Schenectady county, patriot and post-master, and it is wonderful, what bank money, and what notes of hand they bro't back to the "store and tavern, 6 miles from Albany." Any man, who could get an endorser on giving \$50 of any incorporated bank, and his note for fifty more, payable in twelve months might receive an hundred dollars in Calvin Cheesman's bills, and in this necessitous time in this city, and every where in the country, it is not wonderful that many, vast numbers, caught at the bait! Sir, had all the incorporated banks in Albany, Troy, Lansingburgh and Schenectady, failed, not half the people would have been affected, as are by this patriot's failure.

The toll-gate keepers on the Cherry-Valley turnpike road, undoubtedly by order, have always received Cheesman's bills in preference to those even of the corporation of Albany. The directors of this company well knew Cheesman's character.—He had been in their employ. By this patronage, his means of defrauding was greatly increased. It is to be presumed the company will lose nothing by his failure.—Their chief agent, I am told, is one of his trustees. So we go! The fellow, as I said before, was carried to jail yesterday, amidst the ex-creations of a thousand people; indeed the jail is at present his only place of safety in this part of the state—but he will push off as soon as he can to some other place, and be again full of wealth and patriotism. He has confessed judgment for 106,000 dollars, in whose favor I know not; but undoubtedly of some worthy man or men to whom he is truly and honestly indebted to that amount! It is said he has \$100,000 afloat in his bills—206,000 dollars! Why he beats the Fough-keepsie patriot two to one. One of his friends and agents has said, that he did not believe Cheesman could be sued on his bills, for, said he they are, in the opinion of colonel Burr, mere barter bills. I promise to pay in current bank bills, at my store and tavern, 16 miles from Albany; so you see the rascal has taken advice; that is to say, if his friend don't lie.

He has but to keep snug for a while in jail, the law will work him out in a few months with flying colours. What excellent chances does your 3-26, 4-5th, and 9-10th acts give to poor honest unfortunate men—how much greater to swindlers who can pay well for advice and assistance.

It is really melancholy, Mr. Coleman, that so many of our best patriots rob and run away as they do. When John Adams made that speech about our being an enlightened and virtuous people, he kept other company than he has latterly. A. Z.

Capital prize of 25,000 dollars.—Ticket No. 19,545, came up this morning the first drawn number in the Medical Science Lottery, No. 3, and is entitled to the capital prize of twenty five thousand dollars. The fortunate number was sold at S. and M. Allen's lucky office, No. 122 Broadway, to one of the warriors of the Cherokee nation, who was with the brave, gen. Jackson in the battle with the Creek Indians, and who on that occasion is said to have distinguished himself. He is a man of respectability, and a western trader, and was here in April last, when he purchased the ticket, which he left with John Byers, esq. of this city.—N. Y. Ev. P.

DRAWING PAPER of large size, for sale at this office.