

# Catawba Journal.

VOL. III.]

CHARLOTTE, N. C. TUESDAY, JANUARY 16, 1827.

[NO. 114.]

PUBLISHED WEEKLY

By LEMUEL BINGHAM,

At Three Dollars a year, paid in advance.

No paper will be discontinued, unless at the discretion of the editor, until all arrearages are paid.

Advertisements will be inserted at the usual rates. Persons sending in advertisements, are requested to note on the margin the number of insertions, or they will be continued until forbid, and charged accordingly.

## Clerks of the Superior Courts.

AND other gentlemen holding subscriptions to the NEW MAP OF NORTH-CAROLINA, are requested to return the same by the 1st of January next. They will be so good as to present them, in the mean time, to such persons as will be likely to patronize the work, who have not had an opportunity of doing so already. The price to non-subscribers will be \$10. Very few, however, more than those subscribed for, will be printed. To remove any objection that may be urged against subscribing, the publisher wishes it to be understood, that none of the subscribers will be held bound, if the MAP is not correctly drawn, finished in the best manner, and of the best materials.

From the returns already received, the publisher is warranted in believing, that a subscription of not less than one thousand names will be obtained in North-Carolina, among whom are, His Excellency the Governor, all the Officers of the State Government residing at the metropolis, the Members of both Houses of the Legislature, a liberal proportion of the Professional gentlemen, a large number of that most respectable class of citizens, the Farmers, and generally the Merchants and Traders of our Towns, to whom a correct Map of the State is particularly desirable.

The publisher takes this opportunity to acknowledge his obligations for the polite attention which has been uniformly paid to his applications for assistance in the prosecution of his work, and especially to those gentlemen who have interested themselves in procuring the surveys of the several counties. Any information calculated to benefit the work will be thankfully received.

JOHN MAC RAE.

Fayetteville, Dec. 18, 1826.—2113.

## State of North-Carolina.

LINCOLN COUNTY.

David Blalock, }  
Nancy Blalock, } Petition for Divorce.

IT appearing to the satisfaction of the Court, that Nancy Blalock, the defendant, is not an inhabitant of this State: It is therefore ordered by court, that publication be made three months in the Catawba Journal, giving notice to her, that she make her personal appearance before the Judge of our Superior Court of Law, at the next court to be held for the said county of Lincoln, at the Court-House in Lincolnton, on the 4th Monday after the 4th Monday of March next, then and there to answer or demur to the said petition; otherwise it will be taken pro confesso, and heard ex parte, and adjudged accordingly.

Witness, Lawson Henderson, Clerk of said Court, at Lincolnton, the 4th Monday after the 4th Monday of September, A. D. 1826, and in the 51st year of our Independence.

LAWSON HENDERSON.

5m't 20.—pr. adv. \$4.

## State of North-Carolina.

RUTHERFORD COUNTY.

Superior Court of Law, October Term, 1826.

John Bradley, }  
Joshua Southern and the heirs, } Petition to vacate a grant of John Miller, deceased.

IT appearing to the satisfaction of the Court, that Samuel Lowrie and wife, Susannah Lowrie and John F. Miller, the heirs and representatives of John Miller, deceased, are not inhabitants of this State: It is therefore ordered by Court, that publication be made for six weeks in the Catawba Journal, for them to be and appear at our next Superior Court of Law, to be held in Rutherford, on the 3d Monday after the 4th Monday in March next, then and there to plead, answer or demur; that said petition will be taken pro confesso and heard, as to them, ex parte. Witness, James Morris, Clerk of said Court, at office, this 14th November, A. D. 1826. JAMES MORRIS, Clerk.

6t14—pr. adv. \$3.

## State of North-Carolina.

RUTHERFORD COUNTY.

Superior Court of Law, October Term, 1826.

John Bradley, }  
Reuben Searey and the heirs, } Petition to vacate a grant of John Miller, dec.

IT appearing to the satisfaction of the Court, that Samuel Lowrie and wife, Susannah Lowrie and John F. Miller, the heirs and representatives of John Miller, deceased, are not inhabitants of this State: It is therefore ordered by court, that publication be made for six weeks in the Catawba Journal, for them to be and appear at our next Superior Court of Law, to be held in Rutherford, on the 3d Monday after the 4th Monday in March next, then and there to plead, answer or demur; that said petition will be taken pro confesso and heard, as to them, ex parte.

Witness, James Morris, Clerk of said Court, at office, this 14th November, 1826.

JAMES MORRIS, Clerk.

6t14—pr. adv. \$3.

## Ruffner's Strictures.

JUST PUBLISHED, and for sale at this office, "Strictures on a book, entitled, 'An Apology for the Book of Psalms,' by Gilbert McMaster." To which are added, Remarks on a book, (by Alexander Gordon) entitled, 'The design and use of the Book of Psalms.' By HENRY RUFFNER, A. M. With an Appendix, by JOHN M. WILSON, pastor of Rocky River and Philadelphia.

## LIST OF LETTERS

Remaining in the Post Office at Charlotte, N. C. January 1, 1827.

A. Amos Alexander, James Asbury 3, Maj. Thos. Alexander, James Ames 3, Joseph Armstrong, Malinda Alexander, Isaac or Dan Alexander.

B. James Black, Jacob Bostain 2, James Blunt, John Buoy, Mary Barringer 2, William Bostwick 3, Matthew Bain, John Black, Upton Byram, Richard Colles, Polado Brinkle, James Boys, Zacheus Barnes, Marian Black.

C. Fleet Cox, Dr. David T. Caldwell, Dr. P. C. Caldwell, David Cross, Messrs. Coleman & Greer, John Caston, David Colter, Capt. Cook, Harvey Cannada.

D. Thomas Dunn, John A. Dickson, Samuel Duffy, Jacob Dewlin, Elizabeth Danie, James Dinkins 2, Robert Dinkins, Daniel Dougherty, Lewis Dinkins.

E. Charles Elms, jr. Richard C. Edmonson.

F. Joseph Flinn 2, William Flinn, John Faires, H. Fester, Nancy Flowers, James Ferrier, Robert Faires, Moses V. Grant, Daniel Gallant 2, Col. Thos. Greer, jr., Moses Green.

G. William Hutchison, Thomas Houston, Daniel Hyams, Daniel A. Hall, Dr. Saml. Henderson 2, John Hipp, William Harris, Henry Hartis, John Hartgrove, Elam Hunter, Henry Hoover, K. Sarah W. Kinchell, Marcus Kennedy, Ephraim Kendrick, David Karr, David S. Karr, L. Jean Lemmond, Margaret A. Lowrie, 2, John Lowry, William Luckey, M.

H. Hugh M'Lure, Ann M'Lure 2, William Meghee, Daniel M'Gill, Joseph McChaffey, Alexr. Monteith, Wm. M'Cord, Thomas Moore, James Morrison, Matthew Miller, David M'Daniel, Eliza M'Kee, Philemon Morris, Benjamin Morrow, Robert M'Kinley, N. Mary Nowlin, John Norment, Moses Neely, Herman S. Noble, O. Nathan Orr, Paraulia Newby.

P. Joseph Pritchard 3, Rev. Walter S. Pharr, Thomas Park, John Peoples, Washington Plummer, Col. William Porter, Samuel Porter, Catharine Pharr, Wm. L. Patton, R. Dr. Joseph Ross, Joseph Reed, John Rogers, Amelia Russ, Alex. Robinson, William Rives, John Robertson, William Robison, S.

Sh'ff. of Mecklenburg 2, Hugh Smith, Green Smith, Richard Springs, John Secrist, Hugh & Eli Stewart, Joseph Sample, William P. Springs, Elizabeth Shields, William Smith, Elijah B. Setzer, T. Silas Templeton, M. W. Taylor, W. Henry Tomson, W. P. Waugh, Robert Watson, Isaac Wilson, Margaret Wilson, Francis Wilson, Rev. John M. Wilson, 2, James Wilson, William Walker, WM. SMITH, P. M.

133—St15

## LETTERS

Remaining in the Post Office in Lincolnton, N. C. 1st January, 1827.

A. Henry Asbury, Martha Abernathy, Bartholomew Abernathy.

B. Pride Bradshaw, Jacob Burns, Joseph Brotherton, Henry Butts, Joshua Beam, Mary Baker, William Boils, Francis Beattie, John Baird, Henry Baich, William Beal, Mathias Baringer, James Blalock, John Butts, Rev. David Balew, John Bandy, David Borkout, C. Thomas Crow, Daniel Cam, Daniel Callis, D. Forney & Abernathy, John Carpenter, G.

George Detherow, Philip Gross 2, Robert Gasten, Daniel Hudson, John Gibson, Henry Hoss, Philip R. Hoyle, I. Sarah Isler, Henry Hoover, K. James Kingcade, Mrs. Mary H. Irby, L.

Jacob Killian, Thos. Kendrick, Peggy Lawrence, Jacob Lutz 2, Michael Link, Samuel Louts, Isaac Lawrence, Levi Lockman, Samuel Martin 2, P. & R. John Murphy, James Pattillo, John Rankin, Jonas Bader, Dr. E. Reese, Paul O. Reese, William Roberts, John Reynolds, David Russel, James Ramsy, Catherine Robison, James Ronney, Henry Roop.

S. John Speck, George Summey, John Self, Martin Shuford, John Smith, John Sanders, Abner L. Sherrill, T. Catharine Thornbury, Conrad Tipps, V. & W. David Thornbury, H. L. Willis, John Vickers, D. REINHARDT, P. M.

70—115r

## Attachments and Bonds

For sale, at the Office of the Journal.

## Entry Takers Warrants,

For sale, at this Office.

## State Legislature.

TUESDAY, DEC. 26.—The Governor transmitted to both Houses of the Legislature, by his Private Secretary, Mr. John K. Campbell, the following

### MESSAGE:

To the Honorable the General Assembly of North-Carolina:

GENTLEMEN—

Although we have continued, during the past year, in the uninterrupted enjoyment of all our civil and religious privileges, yet, the chastening hand of an all-wise Providence has borne heavily on particular sections of our State. Whether the injury sustained by the late untoward seasons, is of magnitude sufficient to merit your interference, is a question submitted entirely to your discretion.

Believing it universally admitted, that the existence of free Governments depends upon the virtue and intelligence of the great body of the people, and that these are also the sources of individual comfort and happiness, I shall not consume your time in repeating arguments so often adduced, to show the necessity of diffusing the benefits of education, among the poorer class of our fellow citizens. But permit me to call your attention to a clause in our State Constitution, which enforces the obligation of giving to this subject your serious consideration. It is this—"A school or schools shall be established by the Legislature of this State, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices. All useful learning shall be duly encouraged and promoted in one or more Universities." The latter branch of this constitutional injunction has long since been complied with, by your predecessors.—We have a University in a prosperous condition, with competent funds, but as to the former and no less important branch concerning schools, it is to be lamented, that from the formation of the Constitution, until the last Session of the General Assembly, (a period of forty-nine years) nothing whatever has been done. The last Legislature commenced the important work, but if that beginning is not sustained and pursued, the present generation may pass away, before any thing effectual is accomplished. Many enlightened persons believe, that it is more difficult for an individual in ordinary circumstances, to obtain for his child, at this time, the common rudiments of education, than it was at the period when our Constitution was adopted. This increased difficulty for originates in part from the increased demand which the exigencies of Government have made upon the resources of individuals, and the enhancement of the necessities of subsistence. It appears, therefore, peculiarly just and proper, that the State should contribute somewhat to the diminution of that burthen, which, in part, it has created; and whilst it exacts and expects obedience and support from the citizens to its laws and institutions, it should give them the opportunity to appreciate their privileges and improve their condition. The least reflection will satisfy us, that reading, writing, and the common rules of Arithmetic, are highly essential to the healthy action of our government, founded as it is, upon the supremacy, and executed by the agency of the people;—and they unquestionably contribute more largely to the individual benefit and morality of the body of the people, than the branches of severe science usually taught in our established seminaries. Whilst upon this subject, I beg leave to remark, that the Constitution itself, in the section before recited, has not only imposed the obligation, but has also suggested an important means for the execution of the injunction.

The benefits resulting from a well regulated and properly conducted system of Internal Improvements, in a country like ours are too apparent to require many remarks to prove their importance.—Let us, for instance, confine ourselves to the limits of North-Carolina, and mark her situation at this time. We all know, that in particular sections of the State, the greatest distress is at present apprehended among the poorer class of our fellow citizens, from the deficiency of the various crops, springing from sources which it is unnecessary to investigate.—We also know, that in other sections, the usual productions were never more abundant. From the great variety of soil and climate, may not this state of things often occur? Let me ask, then, what is the proper remedy for such evils? Can there be any other answer, given, than—facilitate the intercourse between the different sections of the State? In other words, open your water courses,

repair your old roads and make new ones—make them, what they should be, cheap and convenient mediums of social intercourse. Then the failure of crops in some few counties, would not have the effect of thinning a population, already too much scattered and diminished. But the redundant fullness of some parts might conveniently be drawn off, to fructify and supply less fortunate situations. There is every reason to believe, that at the present time, grain and other necessary articles would not command more than their ordinary prices, were it not for the great difficulty of transportation. Those who are fortunately the venders of produce this year, may be purchasers the next. It behooves the people of every part of the State, maturely to consider this subject. It is frankly admitted, that money has been, perhaps, unnecessarily expended, at the commencement of this undertaking. But is not this the fate of all human undertakings, without the benefits of experience? Is there an individual who for the first time, has opened a plantation or built him a house, who is not, at its close, convinced, that he has committed many errors, and expended much money uselessly. What then would be thought of the reasoning which should gravely conclude, that those things which add so much to our comfort and convenience, were useless, because errors might be committed. I do not advocate, far less wish, the public money to be unnecessarily expended, when it can be avoided. But a prudent though unfortunate management may be lamented, although it should not be blamed. When it is considered, that there is a ready fund created (the Cherokee Lands) and our fellow-citizens will not probably be burthened with additional taxes, it is most respectfully submitted, whether a judicious system of Internal Improvement should not be prosecuted?

In connection with this subject, it may be well to mention, that under the provisions of several acts, prescribing the mode of surveying and selling the lands acquired by treaty from the Cherokee Indians, four sales at public auction have been had, and the most valuable lands disposed of. It is believed, however, that the lands remaining unsold, are of sufficient value, to be well worthy the attention of the Legislature. It is submitted to your discretion, to determine what disposition shall be made of them. It is obviously the interest of the State, and more immediately of the citizens of that section of the State, that they should forthwith be brought into market, since their value is continually diminishing, by trespassers, who destroy the timber and wear out the soil, and who can scarcely be presumed to make good citizens or quiet neighbors. Whether it will be advisable to have the unsurveyed lands undisposed of, offered at public auction, or open an entry office under suitable regulations, are subjects which will properly claim your consideration. Before we take leave of this subject, you will pardon me for again calling your attention to the reclaiming of our Swamp lands. It is believed to be a subject, in which the State is deeply interested. If the State have the power of regulating their own internal police, if they have the power of instituting precautions for the preservation of the health and lives of their citizens, can there be a doubt of the power to act upon this subject? What can stay the tide of emigration, now flowing to the west, but the improvement of our own State? There can be but little doubt, that the undertaking would rather directly and greatly enhance the present revenue, while it would augment the agricultural resources of the State, improve the health of our citizens, and relieve our territory from a melancholy blot on its geographical appearance. As to the particular works which have been carried on, during the past year, their progress, &c. will be detailed in another communication.

Some of our most enlightened fellow-citizens are of opinion, that the criminal code is susceptible of improvement. This would be attained, by leaving it discretionary with the proper jurisdictions, to substitute either the tread-mill, or work-house, instead of the present modes of punishment, for petty offences, by fine, imprisonment and stripes. The assertion can scarcely be doubted, that in the neighborhood of our towns and villages, within the last few years, the commission of crimes is much more frequent than formerly. The present modes of punishment, especially by imprisonment, which is most generally indicted, present feeble, very feeble checks to their multiplication, and tend but little, either to an amendment of the culprit's morals, or to produce a wholesome influence on other wrong-doers. At the same time, the general insolvency of such offenders, heavily accumulates the charges of prosecutions, upon the different counties.

One of the present modes of punishment that of whipping, especially where meanness enters into the commission of the crime, I esteem a valuable feature in our criminal code. The propriety of extending it to some misdemeanors, at present punishable by fine and imprisonment, particularly in the case of fraudulently trading with slaves, is respectfully submitted to your consideration. I doubt not, that the use of the tread-mill and work-house, where such establishments were found practicable, and were well organized and conducted, would contribute largely to the efficient administration of criminal justice, to the reformation of offenders, and sensibly diminish the charges of prosecution, by the profits of the establishments. The present mode of compensating our prosecuting officers, appears to me objectionable. Is it not the policy and duty of every wise and liberal government, as well to protect the innocent as to punish the guilty? Can it be right and just, that the compensation of these gentlemen, should, in a great degree, depend upon conviction? Is it not their interest to convict, whether the accused be innocent or guilty? And, however respectable, still they are but men! liable to all the weakness "which flesh is heir to," and capable of being influenced by all the considerations, which influence humanity. Would it not be preferable, that they should enjoy fixed salaries, thus removing all temptation to persecution, and make their present fees payable to the county trustees and State Treasury, as rewards? That there are other defects in our judiciary system, cannot seriously be doubted, but whether they are of that description, which require legislative interference, or such as are incident to all human institutions, you alone are competent to decide.

I herewith transmit you a communication from Vermont, enclosing a resolution of their General Assembly, for your concurrence. It is, in substance, that slavery is an evil to be deprecated by a free and enlightened people; and, declaring that their General Assembly will concur in any measures, which may be adopted by the general government, for its abolition in the U. S. that may be consistent with the rights of the people and the general harmony. This is an additional instance, indicating, that States, like individuals, may fall into the common error of believing, that they better understand, and with more skill and to greater advantage could manage the concerns of others, than they display in their own transactions. The reason is obvious: They take but a partial and imperfect view of another's affairs, without the advantage of being possessed of the whole ground. May not this be the situation of the non-slave holding States and can they not, without transcending "the modesty of nature," fairly presume, that this subject, in all its bearings, is fully understood in the South? It becomes every State and people, to be peculiarly alive to every circumstance, which may threaten their existence; and to provide every precaution, against any emergency to which they may be exposed. I repeat but a common truism, but one appreciated by every wise people,— "that peace is the time to prepare for war." From foreign force, or internal insurrection, we are indeed protected by constitutional provision. But it does not become us, to neglect our resources or overlook the peculiarity of our situation, in common with a few other States, arising from the diversity of our population. We do not entertain any feminine apprehensions of danger. But the frequent and misguided proceedings of individuals, societies and States, in other sections of our country, relative to this question, demand from us a sleepless vigilance. These unauthorised, unjustifiable interferences with so delicate a topic, is the more to be regretted, as they may induce the States concerned, from a due regard to their highest interest, to increase the severity of their policy towards this portion of their population; to curtail existing privileges and forbear future immunities, which humanity might suggest and prudence sanction. The history of this State will shew, that our laws have been gradually liberalized in their provisions, operating on this class of our community, and their domestic administration has been ameliorated in a corresponding degree. But if the relations subsisting between masters and slaves, are not to be left to the unbiased operations of our own sympathies, justice and discretion; if inflammatory doctrines are now to be scattered through our land, by foreign hands; it may well be doubted, whether our attention may not be more properly turned from the consideration of plans of amelioration, to a question of deeper magnitude—the preservation of ourselves and country, from insurrectionary movements, through an increased restriction, or at least, by a