

# WESTERN CAROLINIAN.

VOL. IV.]

SALISBURY, N. C. TUESDAY, DECEMBER 2, 1823.

[NO. 182.]

PRINTED AND PUBLISHED, EVERY WEEK,  
By PHILLO WHITE.

The terms of the Western Carolinian will hereafter be as follows: Three Dollars a year, payable in advance.  
Advertisements will be inserted at fifty cents per square for the first insertion, and twenty-five cents for each subsequent one.  
All letters addressed to the Editor, must be post-paid, or they will not be attended to.

## GENERAL ASSEMBLY.

Monday, the 17th ult. being the day fixed by the Constitution for the meeting of the General Assembly of this State; a quorum of both houses appeared at the State House in Raleigh, were qualified, and took their seats. Bartlett Yancey, Esq. was elected Speaker of the Senate without opposition; Benj. H. Covington, Clerk; James W. Clark, Assistant Clerk; Thomas B. Wheeler and Robert Ray, Door Keepers.

On Tuesday, 18th, a committee was appointed to wait on the Governor, to inform him of the organization of the Senate; a resolution was passed, to admit Joseph Gales and Son into the Senate, to report the proceedings; and a committee was appointed, who reported rules for the government of the Senate. Several ballotings were made for Engrossing Clerks, &c.

Thursday, Nov. 20, standing committees of Claims, of Propositions and Grievances, and of Privileges and Elections, were appointed; a select committee was appointed on Education; and it was

Resolved, That so much of the Governor's Message as relates to Public Roads and internal improvement; to Agriculture; to the Criminal Laws; and to the Public Lands acquired by treaty with the Cherokee Indians, be referred to select committees.

In the House of Commons, on Monday, 17th, Alfred Moore, Esq. of Brunswick county, was elected Speaker, by a majority of 9 votes over Robt. Strange, Esq. of Fayetteville, Moore 64, Strange 55; P. Henderson was appointed Clerk; William B. Lockhart, Assistant Clerk; John Lumsden and Richard Roberts, Door-Keepers.

Tuesday, 18th, a writ of election was issued for the election of a member from Chowan county, to supply the vacancy occasioned by the death of James Skinner; a committee was appointed to wait on the Governor; a committee was also appointed, who reported rules for the government of the house; Samuel F. Patterson, of Wilkes, was elected one of the (three) engrossing clerks; there were 19 candidates, but no other person had a majority.

On Wednesday, 19th, another balloting was had for engrossing clerks, but no election. On this day the Governor transmitted his annual message, which will be found below.

On Thursday, 20th, the various parts of the Governor's message were referred to different committees.

The various standing committees of the house were appointed; the names of gentlemen composing them, shall be given hereafter. On this day's balloting, T. F. Armstrong, of Stokes, was elected an engrossing clerk; one more remained to be chosen.

Mr. Alston presented the following resolutions, which were read, and ordered to lie on the table:

Resolved, That a select committee be appointed to inquire into the state and condition of the several incorporated Banks of this State: whether their notes are at this time redeemed agreeably to their charters, with specie, and if not, to ascertain when the said Banks will be ready to resume specie payments. And in the event of failure on the part of the Banks to apply the proper corrective, then the said committee have power to examine the officers of the several Banks, and to require that their returns and statements be made on oath.

Resolved, That the Public Treasurer lay before this House a statement of the amount of the Capital Stock of the several Banks of this State, and of the debts due to the same of the moneys deposited therein—of the notes in circulation, and of the cash on hand.

## GOVERNOR'S MESSAGE.

EXECUTIVE OFFICE,  
Raleigh, N. C. Nov. 19, 1823.  
To the Honorable the General Assembly of the State of North Carolina:

GENTLEMEN: The occurrences since the adjournment of the last session of the General Assembly, have been such as usually grow out of circumstances natural, or common to the regulations of the State. The progress of our internal improvements will perhaps be found as great as funds and circumstances would allow.

The multiplication and waste of means have heretofore retarded the great work of improvement, involved us in difficulties, and produced a depression of public spirit, from which we have not yet recovered; and but for the wisdom of the last Legislature, in commencing a new plan, by beginning at the mouths of our rivers and proceeding gradually and effectually upwards, the people would have sunk into a state of indifference, to say the least, from which it would have required many years to rouse them to renewed interest and confidence. The appropriation made by the last Legislature, for the purpose of deepening the Flats in the Cape Fear, below Wilmington, has, so far as I can learn, excited a confidence and a zeal highly favorable to the cause of internal improvement; and the success which has already resulted from the embankment which has been erected at the upper Flats or Bulkhead, has fully realized the expectations of all acquainted with the topography of that part of the river. It has been satisfactorily ascertained, that at least twelve inches of water have been gained since the completion of that embankment, although that is only a part of the work contemplated to be done at that place. From the success which has thus far attended these works, we may confidently expect that when the whole shall have been finished, the expectations of the public will be speedily realized in the effect which it will produce on our commerce. Should this improvement in the navigation of the river, from the Bar to Wilmington, admit vessels over the flats carrying double the burthen of those that could formerly pass, it is not extravagant to calculate that double the tonnage, per annum, will, in a few years hence, enter that port, that has done heretofore; and, consequently, that there will be an increased demand, in the same ratio, for the produce of our citizens. It is easy to see what a great increase of individual and state wealth this must lead to. A contract for constructing these works was effected by the State Engineer for fifteen thousand dollars, (five thousand less than the sum appropriated;) and it is satisfactory to learn, that the whole can be completed for that sum. I will indulge the hope, that the system which has been thus commenced, will be continued in a progress commensurate with the means of the State. The opening of Roanoke Inlet is an object of the highest importance, when we consider its relation to the trade of the Roanoke River and its tributaries. Nothing would contribute more to raise the standing, and increase the wealth and prosperity of the State; and if it be practicable and within our means, North Carolina ought never to relinquish it. The Roanoke Navigation Company have, at length, extended the canal at the Great Falls to Weldon's Orchard. From the Orchard to the River below, there is a portage. I respectfully recommend to your consideration, whether it would be expedient for North Carolina to carry the canal to the river, either by subscribing for the unappropriated shares in that company, or by such other means as your wisdom may dictate. It is worthy of the enquiry of the Legislature to ascertain whether there are not other obstructions at or near the mouths of our rivers, the removal of which would cause a similar effect on our trade with that contemplated by the opening of the Cape Fear, below Wilmington.

Our Public Roads should claim your serious consideration. A vast majority of the farming community are compelled, from their location, to go to market by roads. They are not interested immediately in the clearing of our rivers, except (as in the case of the Cape Fear below Wilmington) it is to have a general effect on the trade of the State. Our roads are bad, except where nature has made them good; and in some parts of the country, it is very difficult for the farmer to carry his produce to market. From the attention which has been paid to the navigation of our rivers, the people living remote from them have a right to expect a correspondent spirit in regard to roads, and the uniform devotion of their representatives to their interests and wishes, is a pledge that they will not be disappointed. The present system of repairing roads, which has existed for a long time, is very defective, both as to its un-

equal operation on the people, and the temporary, unsubstantial repairs that are generally made, which seldom last longer than the fall of a heavy rain. Should the Legislature deem it expedient to open new roads, a different mode must be adopted of keeping them in repair; and it would be well to make an experiment at once, as the present method is so obviously inefficient and unequal in its operation. Should you think it advisable to do so, it is with you to devise the mode.

The liberal aid proffered by the last Legislature to our agricultural societies as were, or might be, formed in different parts of the State, has, it is hoped, produced the dawn of a new era in the improvement of our agriculture. It is encouraging to learn, that in many counties societies have been instituted; but it is a strong proof of the difficulty of correcting long established habits and methods of culture, that many counties have not availed themselves of the proffered encouragement, and is the best argument that can be offered for the continuance of Legislative patronage. Such is the rooted strength of old customs and modes of farming, particularly amongst us, that we must expect improvement to be gradual; and should Legislative wisdom deem it expedient to keep the subject alive for some years, we shall, I think, witness a gradual march in improvement. Were each successive Legislature to throw in its mite only, in the way that it may deem most expedient, it would doubtless be productive of great good. The American Farmer, an invaluable agricultural paper, published in Baltimore, by Mr. J. S. Skinner, has spread a great deal of useful information among our planters, and has done much good. If the Legislature would present each agricultural society in the State with a few copies of this work, it would be of great service to them in their meetings, and at other times when they might wish to examine them. I trust it will not be deemed chimerical to recommend the purchase of a small Farm near our University, to be put under the care of a practical and scientific farmer, who should, besides a small salary, given as an additional inducement for one qualified to offer, be allowed the produce of the Farm, which should be cultivated in the highest order. On this Farm experiments should be made, under the direction of the Professor of Chemistry, in manuring, as to kind, quality and manner of applying, and in the various methods of cultivating different articles of common growth, and such as it might be deemed important to introduce from abroad. The person having charge of the Farm should understand the mechanism and use of the most improved implements of husbandry, and also be well informed in the different departments of domestic economy. It is unnecessary to be more minute, as my design is only to sketch an outline of the plan which some reflection has suggested to my mind. Let the students of the University, of the two higher classes, accompanied by the Professor of Chemistry, visit this little Farm at such times as might be fixed upon by the Faculty of the University, and there see and learn the usefulness and beauty of husbandry. What a stock of useful knowledge would this enable our young men to carry with them into the bosom of society! The utility and practicability of this plan derives much support from the assurance which we may feel, that the able and indefatigable Faculty of our University would cheerfully co-operate in the attainment of the important objects in view.

The last General Assembly distinguished itself by the passage of the law abolishing imprisonment for debt. Should that humane law be permitted to remain in force, a few years, experience will demonstrate that it will not operate any inconvenience to the community, but will curtail the extension of credit, and the numerous lawsuits consequent thereon. Our country will no longer present the odious spectacle of public prisons filled with the unfortunate, many of them to gratify an unhallowed feeling of revenge in a creditor, and the people will be drawn from ruinous speculations and injudicious credit, to habits of industry and economy. I sincerely hope that this relic of barbarity—this stain upon free institutions—is now blotted from our code forever; and that the unfortunate, who should rather claim our compassion and charity, shall no longer be torn from helpless families, and confined with criminals in loathsome prisons. Our criminal code appears to me to require amendment. It was recommended to the Legislature by my worthy and lamented predecessor, a few sessions past, to strike from the law respecting perjury the punishment of cropping. With the advance of civilization under our free and enlightened government, it is certainly proper that we should from time to time examine our laws and adapt them to the moral condition of the peo-

ple. A law that suited men one hundred years ago would not suit them now; and in the lapse of a century from this time, our posterity will no doubt be astonished to find our code marred with this barbarous punishment; when they shall have adopted one, equally calculated to answer the end of law, whilst the door of reformation is not closed on its unhappy victim. But what can induce a man degraded and depraved, to amend his life with a mark of infamy on his head, that must follow him wherever he goes, and exclude him forever from society? The punishment of crimes is intended to deter persons from the commission of them; but every wise law will certainly aim at a reformation of the person punished, or at least will not prevent it. It is submitted to your wisdom, whether the punishment for counterfeiting would not be a sufficient penalty to the perjury law, excluding the whipping, and retaining the disqualification to give evidence. I would further recommend to your serious deliberation, whether it would not be expedient to abolish entirely the punishment of whipping; and whether the punishment of theft, under any circumstances, should be equal to that of murder.

Since my appointment to the Executive, I have witnessed with much concern, the frequency of imprisonment for common offences of assault and battery. I am certainly an enemy to a loose and inefficient police; but I cannot conceive that the power vested in our courts of imprisoning in every case of assault and battery, is at all necessary for the security of the peace and good order of society. Shall we throw a fellow citizen, possessing all the honest and honorable feelings of our nature, into a dungeon with persons charged with, or convicted of, ignominious crimes? I respectfully suggest to your honorable body, whether it would not be expedient to abolish imprisonment for this offence, except where there clearly appears to be an intention to kill, or the person offending is unable to pay a fine, or the assault is made on a woman.

I have received from the purchasers of the Cherokee lands, complaints of a very serious nature against the Indians, who pretend to be entitled to a reservation of six hundred and forty acres of land each reserved to them by the treaty of 1817 and '19. For the protection of those honest citizens, who purchased on the credit of the State, and the insurance of better sales of the land unsold than the last sales made by our Agent declare, I would recommend this subject to your mature deliberation. I have in my possession, letters and papers that will throw much light on the subject, which shall be laid before you in good time.

Accompanying this communication, are such resignations of the justices of the peace, and field officers of the militia, as have been received during the recess; together with my Letter Book, and such letters and documents as are proper to be laid before you.

With the highest respect and consideration, I have the honor to be, gentlemen, your obedient servant,  
GABRIEL HOLMES.

## INTELLIGENCE.

" Tidings of war, and of adventures new."

Important News from Europe!

NEW-YORK, NOV. 12.  
The ship Diamond, Capt. Macy, arrived below yesterday, in the very short passage of 23 days from Liverpool, and we are indebted to Capt. M. for Liverpool and London papers, the former to the 18th, and the latter to the evening of the 16th ult. inclusive.

SPAIN.

The following is a summary of the intelligence from Spain:  
The Cortes, it appears, have made no terms. The Royal Family appear to have left Cadiz, simply because the confusion and dismay were such that no one had authority to prevent them. On the 3d the French troops entered the city: it was on the 1st that the King arrived at the French post.

Fifty thousand men of the French army are, it is understood, to remain to occupy Spain, until the establishment of tranquillity under the King's government. The King is not expected in Madrid before the 18th: little, it is probable, will be known of the purposes of the party now restored till then.

The Regency have of course dissolved:—they issued an address, remarkable for the curious inflation of its style and sentiment.

Mina still continues in arms, and it is supposed will persevere in resistance. Riego has been condemned,

FROM THE PRESS.  
Proclamation of the King of Spain.

"The scandalous excesses which preceded, accompanied, and followed the establishment of the democratical constitution of Cadiz, in the month of March 1820, have been made public and known to all my subjects.

"The most criminal treason, the most disgraceful baseness, the most horrible offences against my royal person—these, coupled with violence, were the means employed to change essentially the paternal government of my kingdom into a democratical code, the fertile source of disasters and misfortunes.

"My subjects, accustomed to live under wise and moderate laws, and such as were conformable to their manners and customs, and which, during so many ages, constituted the welfare of their ancestors, soon gave public and universal proofs of their disapprobation and contempt of the new constitutional system. All classes of the state experienced the mischiefs caused by the new institution.

"Tyranically governed, by virtue and in the name of the constitution, secretly watched in all their private concerns, it was not possible to restore order or justice; and they could not obey laws established by violence, and the source of the most dreadful disorders, of the most desolating anarchy, and of universal calamity.

"The general voice was heard from all sides against the tyrannical constitution; it called for the cessation of a code null in its origin, illegal in its formation, and unjust in its principle; it called for maintenance of the sacred religion of their ancestors, for the re-establishment of our fundamental laws, and for the preservation of my legitimate rights; rights which I have received from my ancestors, and which my subjects have solemnly sworn to defend.

"This general cry of the nation was not raised in vain.

"In all the provinces armed corps were formed, which leagued themselves against the soldiers of the constitution; sometimes they were conquerors; sometimes they were conquered; but they always remained firm to the cause of religion and of the monarchy.

"Their enthusiasm, in the defence of objects so sacred, never deserted them under the reverses of war, and preferring death to the sacrifices of those great benefits, my subjects convinced Europe, by their fidelity and their constancy; that although Spain nourished in her bosom some unnatural children, the sons of rebellion, the nation in general was religious, monarchical, and passionately devoted to its legitimate sovereignty.

"The whole of Europe—well aware of my captivity, and of that of all the royal family, of the deplorable situation of my loyal and faithful subjects, and of the pernicious doctrines which Spanish agents were disseminating on all sides—resolved to put an end to a state of things, which constituted a common reproach, and which menaced with destruction all thrones and ancient institutions, in order to substitute impety and profligacy.

"France entrusted with so sacred an enterprise has triumphed in a few months over the efforts of all the rebels of the world, collected for the misery of Spain, upon her classic soil of fidelity and loyalty.

"My august, and well beloved cousin the Duke d'Angoulême, at the head of a valiant army, a conqueror throughout all my territories, has rescued me from the slavery in which I pined, and restored me to my constant and faithful subjects.

"Replaced upon the throne of St. Ferdinand by the just and wise hand of Providence, as well as by the generous efforts of my noble allies, and the valiant enterprise of my cousin, the Duke d'Angoulême, and his brave army, desirous of applying a remedy to the most pressing necessities of my people, and of manifesting to all my real will in this the first moment of my recovered liberty, I have authorized the following Decree:

"Art. 1. All the acts of the government called constitutional (of whatever kind and description they may be) a system which oppressed my people from the 7th of March, 1820, until the 1st of October, 1823, are declared null and void, declaring, as I now declare, that during the whole of that period I have been deprived of my liberty, obliged to sanction laws and authoritative orders, decrees and regulations, which the said government framed and executed against my will.

"Art. 2. I approve of every thing which has been decreed and ordered by the provisional Junta of Government, and by the Regency, the one created at Oyarzun, April 9, the other May 26, in the present year, waiting, meanwhile, until sufficiently informed as to the wants of my people, I may be able to bestow those laws, and adopt those measures, which will be best calculated to secure their re-