

WESTERN CAROLINIAN.

VOL. IV.]

SALISBURY, N. C. TUESDAY, DECEMBER 9, 1823.

[NO. 163.]

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 paid for, or they will not be attended to.

Lands for Sale,

Under a decree of the Court of Equity of Rowan County.

By virtue of sundry decrees of the Court of Equity for Rowan county, made at October term, 1823, I will expose to public sale, at the Court-house in Salisbury, on Wednesday the 10th of December next, the following valuable tracts of Land, viz: One tract near Alexander Long's mill, not far from the mouth of Grand's creek, containing 98 acres; one other tract adjoining the lands of William Smith and Alexander Long, containing 91 acres; one other tract on the Yadkin river, below the mouth of Crane creek, containing 115 acres; three other tracts adjoining the last mentioned tract, containing together 5 1/2 acres; also, four lots lying in the great square of the town of Salisbury, known and described in the plot of said town by Nov. 19, 20, 21 & 22. The above property belongs to the heirs at law of the late Alexander Prelock.

Also, at the same time and place, a tract of Land lying on the waters of Hunting Creek, in the Forks of the Yadkin, adjoining the lands of Samuel Little, Baker Johnston and others, containing by Estimation, 224 acres, belonging to the heirs at law of George Brandon, dec'd.

Also, at the same time and place, a tract of Land lying on the Yadkin river, adjoining the lands of Nathaniel Perlick, Willey Ellis, James Orr, and others, containing 25 acres, more or less; and belonging to the heirs at law of Joshua Cayton, dec'd.

Also, at the same time and place, a tract of Land lying on the waters of Dutch second creek, bounded by the lands of Michael Hoffman, John Trester, and others, and containing 221 acres, be the same more or less, belonging to the heirs at law of John Pasinger, dec'd.

Also, at the same time and place, a tract of Land lying on a branch of Second creek, commonly called the Walnut Branch, adjoining the lands of George and Henry Robison, containing 200 acres, and belonging to the heirs at law of Margaret Robison, dec'd.

A credit of twelve and eighteen months will be given for the purchase money, on each of the above tracts of Land.

Also, at the same time and place, will be sold another tract, lying on the Waters of Wether's creek, joining the Iredell line, and adjoining the lands of Neil McKay, James Houston, David Foster, and others, containing forty-six or forty-eight acres, belonging to the heirs at law of Alexander Cook, dec'd. This tract will be sold on a credit of twelve months, with interest from the time of sale.

The purchasers will be required to give bonds with approved securities, in every instance, for the purchase money.

GEO. LOCKE, C. M. E.
October 25, 1823. 7184

State of North-Carolina,

LINCOLN COUNTY.

SUPERIOR COURT of Law, October Term, 1823. Mary Hooper vs. Joshua Hooper; petition for divorce. It appearing to the satisfaction of the court, that Joshua Hooper, the defendant, is not an inhabitant of this State, it is therefore ordered by said court, that publication be made three months in the Raleigh Star and Western Carolinian, giving notice to the defendant, that he appear at the next Superior Court of Law to be held for the county of Lincoln, at the court-house in Lincoln, on the fourth Monday after the 4th Monday in March next, then and there to answer, plead, or demur to the said petition, otherwise it will be taken pro confesso, and adjudged accordingly. Witness, Lawson Henderson, clerk of said court, at office, the fourth Monday after the fourth Monday in September, A. D. 1823, and in the forty-eighth year of the Independence of the U. States.

LAWN. HENDERSON.
Price adv. \$4 3m-91

State of North-Carolina,

STURGES COUNTY.

COURT of Pleas and Quarter Sessions, September Term, 1823. Sarah Vatter, to the use of Wm. Shade, vs. Edmund Benzley; Judicial Attachment, levied on land. It appearing to the court that the defendant absconds and conceals himself that the ordinary process of law cannot be served upon him, it is therefore ordered, that publication be made in the Western Carolinian for three weeks, giving notice to the said defendant to appear at the next Court of Pleas and Quarter Sessions to be held for said county, at the court-house in Germantown, on the second Monday in December next, and reply, plead to issue or demur, otherwise judgment final will be entered against him.

MATTHEW R. MOORE, C. K.
Germantown, Nov. 3, 1823. Price adv. \$1 25

State of North-Carolina,

DAVIDSON COUNTY.

COURT of Pleas and Quarter Sessions, October Term, 1823. Gersham Tussey and Sarah his wife, and Eliza Ryeley, vs. Philip Garner and Barbara his wife, George Kepley and Catharine his wife, Mordecai Collins and Christena his wife; petition for partition. It appearing to the satisfaction of the court that the defendants, Philip Garner and Barbara his wife, George Kepley and Catharine his wife, Mordecai Collins and Christena his wife, are not inhabitants of this state, it is therefore ordered, that publication be made for six weeks in the Western Carolinian, printed in Salisbury, that unless the defendants appear at the next Court of Pleas and Quarter Sessions to be held for Davidson county, at the court-house in Lexington, on the 4th Monday of January next, and plead and demur to the said petition, otherwise it will be taken pro confesso, as to them.

A true copy from the minutes. 6186
Price adv. \$2 D. MOCK, C. K.

Selling unusually Low.

THE subscriber is now receiving a large assortment of DRY GOODS, HARD-WARE, CUTLERY, DOMESTICKS, &c. from New-York and Philadelphia, selected by himself with care, and bought on the best terms. Being anxious to secure a continuance of his present respectable custom, he has come to a determination to offer his extensive stock of Goods in Salisbury, at prices which, in his opinion, will be found as low as the price of those who advertise "selling off at cost." His customers and the public generally, are invited to call, examine, and judge for themselves.

JOHN MURPHY.
Rowan County, N. C. Aug. 1823. '66

NEW ASSORTMENT.

THE subscriber has very recently received from Philadelphia, an assortment of

Dry Goods, Hardware,

Cutlery and Domestic; which, with the assortment he expects to receive in a short time, will enable him to sell at satisfactory prices. The public are respectfully invited to call, and examine for themselves.

EDWARD CRESS.
Salisbury, Aug. 16, 1823. 67

Coppersmithing.

The Copper smithing, and Plate business, heretofore transacted by E. Cress, will in future be conducted by me, at the same place. Those who favor me with their custom, may depend on having their work done with neatness, durability and dispatch.

EDWD. CRESS.

Administrator's Notice.

THE subscriber having qualified at the last term of Rowan county court, as administrator on the estate of John Smith, late of Salisbury, deceased, gives notice to all persons indebted to said estate in any shape, to come forward and make settlement as speedily as possible; and all those having claims against it, will in like manner present them, properly attested, for liquidation.

THOMAS HOLMES, Adm.
Nov. 21, 1823. 383

Public Sale.

THERE will be sold, at the late dwelling of the deceased in Salisbury, on Friday, the 12th day of December next, various articles of Household Furniture, consisting of Beds, chairs, &c. And also, on the Friday following, the 19th of December, there will be sold, at the plantation of said John Smith, dec'd, a stock of Hogs, Horses, Cows, &c. and also, Corn, Fodder, &c. On all sums above two dollars, a credit of 12 months will be given, the purchaser giving bond and security. Due attendance will be given by the subscriber.

THOMAS HOLMES, Adm.
Nov. 20, 1823. 3183

Cotton Saw Gins.

THE subscriber has now on hand, for sale, at his shop in Salisbury, on Main Street, Cotton Saw Gins, of his own make, which he will warrant to be as well made as any in the State. He will constantly keep gins for sale; and will do all kinds of repairing, on short notice, and reasonable terms.

SAMUEL FRALEY.
Salisbury, Aug. 18, 1823. 67

House and Lot for Sale,

IN SALISBURY.

THE subscriber wishes to sell his house and lot, in the town of Salisbury, now occupied by himself, as a tavern. The establishment is so generally known, that it would be of little service to describe it particularly; it is, perhaps, the most eligible stand for a public house in the western part of North-Carolina; it is within 80 yards of the court-house in Salisbury; is large and convenient, with extensive out-buildings, &c. A very moderate price will be taken for the establishment, and payments made easy. Any person wishing to purchase, will do well to apply soon, as the subscriber is now determined to sell, and remove to his farm in the country. Letters directed to the subscriber, in Salisbury, N. C. will be duly attended to.

JOHN HOWARD, Sen.
Salisbury, Dec. 2, 1823. 82

*The Raleigh Star will insert the above 3 weeks, and send their account to this office for settlement.

State of North-Carolina,

ASHE COUNTY.

MORRIS BAKER, vs. Alex. Johnston, et alias original bill in Equity. Whereas it appears to the satisfaction of this court, that Polly Baker, relict of Jeremiah Baker, deceased, James Baker, Reuben Baker, Lucy Ann Baker, Saberre Baker, Nancy Baker, and Jeremiah Baker, infants and heirs at law of the aforesaid Jeremiah Baker, deceased, are inhabitants of another state; it is therefore ordered, that publication be made in the Western Carolinian, published in Salisbury, for six weeks, for the aforesaid parties to appear, and answer, plead, or demur, or judgment, pro confesso, will be taken against them, and the cause heard ex parte.—Witness James Hathorn, clerk of the court of Equity for the county and State aforesaid, September, 1823.

JAMES HATHORN, C. & M. E.
Price adv. \$2. 6wt67

State of North-Carolina,

DAVIDSON COUNTY.

COURT of Pleas and Quarter Sessions, October Term, 1823. George Shuman vs. Henry Veltre; original attachment. James Wiseman, Maurice Davis and William Wiseman, summoned as garnishees. It appearing to the satisfaction of the court, that the defendant is not a resident of this state, it is therefore ordered that publication be made for three weeks in the Western Carolinian, for the defendant to appear at the next Court of Pleas and Quarter Sessions to be held for the county of Davidson, at the court-house in Lexington, on the 4th Monday of January next, and plead, &c. otherwise judgment final will be entered against him.

A copy from the minutes. 6186
Attest, DAVID MOCK, C. K.
Price adv. \$1 25. 3184

CONVENTION DERANGES.

FROM THE RALEIGH REGISTER.

FRIDAY, NOV. 14.

The proposed amendments to the Constitution being printed, the meeting took them up for consideration; when, on motion of Mr. Fisher, the meeting resolved itself into a committee of the whole; but two gentlemen, called upon for the purpose, declining to take the chair, Gen. Stokes continued to preside in Committee.

The Constitution, as proposed to be amended, was then taken up by sections. The only amendment proposed to the first section, was, to change the style of the popular branch of the Legislature from House of Commons to House of Representatives.

Mr. Yancey, the Chairman of the committee, said the committee preferred the term of House of Representatives, for obvious reasons. No objection was made to the change.

The 2d section proposing that the Senators shall be chosen by ballot, every two years, in manner hereinafter directed, was passed without remark.

As was the 3d, except that it was proposed to change the word Representatives instead of the 2d line, to Members, but the motion was not agreed to.

There being no change proposed in the 4th section but the word Representatives, instead of Commons, it passed of course.

The 5th section prescribes the qualifications of members of the Senate. They are to be 25 years old, and must have resided in the district one year, &c.

Mr. Carson moved to amend this section by adding, that he shall be a citizen of the United States, as he wished to prevent any person from entering our councils who was attached to the interests of any other country.

Mr. Settle said, as he perceived the committee proposed that none but free white citizens should be permitted to vote for members of the most popular branch of the Legislature, he hoped no colored man would be eligible to a seat in either branch of the General Assembly. He therefore, proposed to amend the amendment, by adding to the qualification, that he shall be a free white man.

Mr. Yancey said the committee had not thought such a provision necessary; as by the 7th section none but free white men, possessed of a certain freehold, are permitted to vote. He had, however, no objection to the proposed amendments.

Mr. Burton observed, that there was no necessity for the amendment in relation to foreigners, as a Senator is required to hold 300 acres of land in fee, which no alien could have.

Both amendments were agreed to. Mr. Mangum moved farther to amend the 5th section, by adding to the end of it, or real estate in fee of the value of \$

Which being agreed to, Mr. Williamson proposed to fill the blank with a hundred, which he supposed was about the value of 300 acres of land at the time the present Constitution was adopted. He did not consider what was the value of land formerly, but what is its present value; and he believed, that a dollar an acre would be a more correct estimate than two dollars. When, said he, we are fixing two qualifications we ought to make the value as nearly equal as practicable; and a man possessed of 100 acres of land, worth \$300, might be as well qualified to serve his country in the Senate as one possessed of 300 acres worth the same sum. We have already said that a man owning 50 acres of land, or land of the value of \$50, shall vote for a Senator. He wished here to observe the same proportion.

Mr. Phifer observed, that the framers of the present constitution made a marked distinction between members of the Senate and members of the House of Commons, the former were intended to represent the landed interest of the State; but the latter the people at large, and he was for keeping up that distinction. The inhabitants of our towns who have no land, may be as patriotic as others; but he considered the liberties of the country safest in the hands of the landed interest.

Mr. Yancey said, there was no wish in any one, he presumed, to destroy the distinction of which the gentleman from Cabarrus spoke: It was proposed merely to affix an average value of 300 acres of land, and provide that a member of the Senate should have that quantity of land, or estate of equal value, which will operate chiefly on persons living in towns and he was in favor of filling the blank with \$1000.

Mr. Fisher was willing to fill the blank with a sum that would be about equal to the value of the land; but no gentleman will say that the average value of land is \$3 an acre, and \$1000 would exceed that price. He hoped therefore, a smaller sum would be fixed upon.

Mr. J. A. Cameron proposed to amend the section so as to provide that a Senator shall possess 300 acres of land, or town property to the value of \$1000.

Mr. Fisher objected to the provision being confined to persons living in towns; he wished it to be general.

Mr. Hearne said, there appeared to him no difficulty in the proposed provision. If a man hold 300 acres of land he would be eligible; or if he held land worth \$1000 though it might be less in quantity, he would be equally eligible. To confine the alternative to towns, would deprive an inhabitant of the country from a seat in the Senate who possessed any less number of acres than 300, though it might be worth \$6000. He hoped the amendment would pass as proposed by the mover.

Mr. Mangum was opposed to the amendment proposed by the gentleman from Cumberland. This proposition could not be considered as infringing on the right as at present exercised; but as an extension of that right. Our ancestors, said he, thought proper to guard our interests in the Senate, by requiring its members to be owners of 300 acres of the soil of the country, and it was doubtless a wholesome provision. The object of the present amendment was to admit such as have not that quantity of land, but possess an estate of \$1000. Under the present Constitution, if a man possesses property to the value of \$20,000, if he have not 300 acres of land, he is not eligible. This he did not think correct. He was clear, however, that the property to qualify a man to be Senator should be freehold property, and not an estate that should depend on his own life, or the life of another.

Mr. Sanders was in favor of neither of the amendments proposed to this section. He preferred the provision of the Constitution as it now stands. He was for having members of the Senate to be owners of 300 acres of land. He considered the Senate as representing the landed interest of the country, and he should prefer that its members should be chiefly taken from the country, and not from towns. Or, if members should be chosen from towns, that they should be men who owned at least 300 acres of land; and no one worthy of a seat in the Senate would find any difficulty in acquiring this qualification.

Mr. J. S. Smith was in favor of the original amendment; but thought that \$1000 was too large a sum with which to fill the blank. A man who has 300 acres of land not worth \$100 may be a Senator. He should wish to fix the sum at what might be considered about an average value of 300 acres of land. He proposed therefore \$600. He was anxious this amendment should prevail; as the Convention proposed to take away the right of the towns to send members; the inhabitants of towns ought to be placed on an equality as to eligibility with those of the country.

Mr. Phifer again insisted upon maintaining the landed interest in Senate, and against facilitating the election to that body of the inhabitants of the towns.

Mr. Cameron withdrew his proposition. The question was then taken on filling the blank with \$1000 and lost. The question was then taken on \$600 and carried.

On motion of Mr. Mangum, the section was further amended, by inserting the words, before the \$600, "real estate in fee of the value of"

From the New-York Statesman.

Mr. Hurley, an ingenious and industrious mechanic of this city, has complimented Mr. Clinton by sending him an American Beaver hat, of the Cortes form beautifully wrought with his own hands. Its intrinsic value is not less than 15 or 20 dollars; but its principal worth consists in its being a spontaneous tribute of respect from an independent and worthy citizen, to a distinguished statesman, whose efforts have done much towards developing the resources of our country, and who has been the uniform friend and advocate of domestic manufactures.

BRUTAL SLANDER.—At Wilts Assizes, (England,) two guineas damages and costs were obtained from a person who had slandered the character of plaintiff's horse!

The Vampire of the Ocean, recently caught and now exhibiting in New-York, is said to weigh upwards of five tons. The resistance it made when caught was so great, that by a slight turn of its body it snapped off, with the utmost ease, the head of the harpoon with which it was struck.

The court of appeals in Fayette county, Kentucky, have decided that notes of the Bank of the Commonwealth, are not money. They have also decided, that justices of the peace have no jurisdiction of contracts payable in property, over five pounds.

Legislature of North-Carolina.

SENATE.

Friday, Nov. 21.

Mr. Cameron presented the following resolution, which was read three times; passed; and ordered to be engrossed:

Whereas the Honorable William Norwood, Esq. one of the Judges of the Superior Courts of Law and Equity of this State, was prevented by extreme illness from holding all the Courts in the circuit to which he was allotted this fall;

Resolved, That the public Treasurer be and he is hereby authorized and required to pay to the said William Norwood the full sum he would have been entitled to receive from the Public Treasury, in like manner as if he had held the Courts in the Circuit assigned to him; And for so doing, this shall be his warrant.

On motion of Mr. Graves, a select committee was appointed on the Militia Laws, and the public arms of the State—and the following gentlemen were named as the committee, viz, Messrs. Graves, Williams, Brittain, McLeary, and Ward.

The following persons were appointed on the several select Committees, ordered on the message of the Governor:

On Internal Improvement: Messrs. Cameron, Burgess, Legrand, Caldwell, and Hatch of Wayne.

On Agriculture: Messrs. Hatch, of Jones, Phifer, Gray, Harrell and Bethune.

On Criminal Law: Messrs. Martin, Wellborn, Bryan, Graves and shipman.

On Cherokee Lands: Messrs. Seawell, Love, Forney, McLeod, Brittain,—and pursuant to a Resolution presented by Mr. Sneed.

On Education: Messrs. Sneed, Hill of Franklin, Whitfield, Ward, Hill of Stokes; and

On the Library Committee: Messrs. Forney, Bryan and Bullock.

The committee appointed to conduct the balloting for Engrossing Clerk reported that John C. Ehringhaus was duly elected.

Mr. Gray presented the petition of Jane Wellborn, of Randolph county, praying the passage of a law securing to her such estate as she may hereafter acquire: which was referred to the committee on Privileges and Elections.

Saturday, Nov. 22.

The following persons were appointed a Committee of Finance on the part of this house:

Messrs. Hatch, of Jones, Bullock, Flowers, Marshall, Ward, Gray, Martin and Wellborn.

A certificate was received from the House of Commons, of an allowance made by the County Court of Cumberland, in favor of Isabella Campbell, countersigned by the Speaker of the House; which, on motion of Mr. Bethune, was countersigned by the Speaker of the Senate.

Mr. Brittain presented the resignation of William Orr, Lieut. Col. of the first regiment of the militia of Buncombe county; and Mr. Alexander presented the resignation of Andrew Hudlow, Col. Commandant of the 1st regiment of militia of Rutherford county, which were read and accepted.

Monday, Nov. 24.

Messrs. Cameron, Gray, Wellborn, Phifer, and Burgess, were appointed a committee on the part of this House, on the Resolution, introduced in the House of Commons by Mr. Stanly on Saturday, relative to the public printing.

Messrs. Seawell, Vanhook, Phifer, Scales and Sneed, were appointed a committee on the part of the Senate on the Resolution introduced by Mr. Alston, of the House of Commons, relative to the Banks.

Mr. Sneed, a bill to consolidate and amend the several laws of this State, relative to the processioning of Land—which was read the first time, and on motion of Mr. Hill of Stokes, ordered to be printed.

Mr. Calloway a bill to appoint commissioners to superintend the building of two bridges on the great stage road in the counties of Wilkes and Ashe—which was read the first time and referred to the committee on Internal Improvement.

Mr. McLeary presented a certificate of an allowance made by the County Court of Mecklenburg to Lenh Beatty, which was read and countersigned by the Speaker.

Mr. Hill, of Stokes, presented the petition of Wm. Welch and others, praying for authority to erect gates on a public road—Referred to the committee on Propositions and Grievances.

Mr. Torrence presented the petition of Joseph Byers, of Iredell, which was referred to the same Committee.

Mr. Love presented the petition of sundry inhabitants of Haywood Coun-