

# Western Carolinian.

SALISBURY, N. C. TUESDAY, JANUARY 9, 1827.

[VOL. VII. NO. 344.]

The terms of the Western Carolinian are, for the year, \$5.00 in advance, and for the half year, \$2.50. The paper is published on the 1st of every month, except in the month of August, when it is published on the 15th. The paper is published at the office of the Editor, in Salisbury, N. C. All communications should be addressed to the Editor, at the office of the paper, in Salisbury, N. C. The paper is published at the office of the Editor, in Salisbury, N. C. All communications should be addressed to the Editor, at the office of the paper, in Salisbury, N. C.

## THE LEGISLATURE.

The General Assembly of this State convened in Raleigh, on Monday the 25th ult. In the Senate, Bartlett Yancy, Esq. was re-elected Speaker; Benj. H. Conington, Principal Clerk; James W. Clark, Clerk Assistant; Thos. B. Wheeler, Principal Door-keeper; and Robert Ray, Assistant Door-keeper. In the House of Commons, John Stanley Esq. was re-elected Speaker; Pleasant Henderson, Principal Clerk; Chas. Manly, Clerk Assistant; John Lumsden, Door-keeper; and Richard Roberts, Assistant Door-keeper. Gov. Burton sent a message to both branches of the Legislature, on Wednesday; which follows:

To the Honourable 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 government 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 an 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 at all 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 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 burden, which, in part, it has created. And while 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 mean 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 fulness 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 price. It is not for the great difficulty of transportation. Those who are, fortunately, the vendors 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 benefit 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 money uselessly? What then would be thought of the reasoning, which should gravely conclude, that these 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. But a prudent, though unfortunate management, may be lamented, although it should not be blamed. When it is considered that there is already a fund created, (the Cherokee Lands) and our fellow citizens will not probably be burdened with additional taxes, it is most respectfully submitted, whether a judicious system of internal improvements, should not be prosecuted? In connection with this subject, it may be well to mention, that under the provisions of the several acts prescribing the mode of surveying and settling the lands acquired by treaty from the Cherokee Indians, four sales at public auction have been had, all 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 run out, and with the surveyed lands un-disposed 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 States 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 not prove burdensome, but 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 jurisdiction, to substitute either the treadmill, or the house, instead of the present mode of punishment, for petty offences, or imprisonment and stripes. This 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 mode of punishment, especially by imprisonment, which is most generally inflicted, proves feeble, very feeble checks to their multiplication, and tend but little, either to amendment of the culprit's morals, or to produce a wholesome influence on other wrong doers. At the same time, the general solvency of such offenders, greatly accumulates the charges of prosecution, upon the different counties. One of the present modes of punishment that of whipping, especially where magistrates are into the commission of crime, I esteem a valuable feature in it criminally. 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 treadmill and work house, where such establishments were found practicable, and were well regulated 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 establishment. The present mode of compensating or prosecuting officers, appears to be objectionable. Is it not the policy of our day of error, 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, convict, whether the accused be innocent or guilty? And, however respectable still they are but men! liable to all the weaknesses which flesh is heir to, susceptible of being influenced by all the considerations, which influence humanity. I said it not be preferable, that they should enjoy fixed salaries, thus removing all temptation to perjury, and make themselves responsible to the Treasury, as reimbursements? That there are other defects in our judicial system, cannot seriously be doubted, but whether they are of this description, which require legislative interference, or such as are incident to all human institutions, you alone are competent to decide.

Theewith transmit you from a publication in Vermont, enclosing a resolution of their General Assembly, by your concurrence. It is, in substance, that slave is an evil to be deprecated by a free and enlightened people; and, declaring that their General Assembly will concur in any measure, which may be adopted by the general government, for its abolition in the United States, 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 individual societies and States, in other sections of our country, relative to this question, demand from us a sleepless vigilance. These unauthorized, 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 further future immunities, which humanity might suggest and prudence sanction. The history of this State will show, 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 unbiassed operations of our own sympathies, justice and discretion; if inflammatory doctrines are 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 more vigilant exercise of our police. Under these impressions and opinions, I would beg leave to recommend to the Legislature, a revision of the laws relative to calling out the Militia to suppress insurrections, those for appointing and keeping patrols, and those in relation to the migration of free persons of colour into this State. The law for calling out the Militia, by the variety of its enactments, may lead to confusion; and the others referred to, although they may appear sufficient, are permitted, in many parts of our country. Whether the efficacy and activity of patrols would not be considerably promoted by an increase of privileges, established remuneration, or higher penalties for neglect of duty; and whether the policy of our sister States, prohibiting the migration of free persons of colour within their boundaries, should not be met by countervailing enactments, are questions submitted entirely to your discretion.

In the month of June last, F. Nash, Esq. presented to the Executive his resignation, as one of the Judges of the Superior Courts of Law, &c. In consequence thereof, the Council of State was convened as soon as circumstances permitted. They advised that a temporary commission should be granted to Willie P. Mangum, Esq. With you it rests to make a permanent appointment. The lamented and much regretted death of the late Judge Paxton, which has deprived the Courts of an able and upright Judge, society of an eminent and useful citizen, creates an additional vacancy on the same bench, which you, in your discretion, will supply. The resignations of Justices of the Peace and Militia Officers, will be found in the file marked B herewith transmitted.

The letter book of the Governor, will be held in readiness, by my Private Secretary, for your examination. With the journal of the proceedings of the Council of State, will await the call of the Legislature. In the latter will be found the correspondence, between the Executive and the Council, as to the proper mode of filling vacancies, which may occur during the recess of the Legislature. On this subject, a great variety of opinions has existed among my predecessors.

Through the hands of the Hon John Branch, one of our Senators in Congress, I have received a communication, herewith transmitted, (in file A.) proposing to publish the debates of the several States, on the adoption of the Federal Constitution, by Jonathan Elliot.

Many important subjects, independent of those herein submitted, will doubtless come under your consideration. Such assistance, as my feeble abilities can afford your deliberations, during my continuance in office, will most cheerfully be afforded, by

Gentlemen, your very ob't servant,  
H. G. BURTON.  
Executive Department, Dec. 26, 1826.

In the state of Alabama, banks and colleges are shooting out in every direction. Both the state and the general governments, in the shape of branch banks, are crawling forward before the public. A new university is about to be located with a probable fund of three hundred thousand dollars, to be invested in the state bank. Paper and philosophy, money and mineralogy, go hand in hand in Alabama. This state contains three hundred thousand inhabitants.

The last English Quarterly Review is more favourable to the character and condition of the citizens of the United States than usual. It is ready to allow, that we have some claims to civilization, and to social refinement. It admits also that there are some tolerable scholars and writers in our country.

At St. Louis, (Missouri) on the 5th ult. the Rev. Dr. Porter was consecrated Roman Catholic Bishop.

## EDUCATION.

The subscriber having engaged an Assistant for the ensuing year, will open his SCHOOL again in March, on the 15th of January next. The terms of instruction, commencing at this school, will embrace all the parts necessary to form a good English Education, and the Latin Language. The school year will be divided into two sessions, of five and a half months each, at the end of which there will be a public examination of the pupils, and a vacation of two weeks. Price of tuition will be nine dollars per session, payable in advance. It is desirable that all pupils intended for this school, should begin with the commencement of the session; and that none should be engaged for a less time than a whole session. Those who engage for a shorter time, must expect to pay an additional price. The local advantages of this institution, (which is intended to be made permanent) are not without claims to public consideration. In the centre of a back country, abounding in all the necessities of life; combining the sublimity of the mountains, with the beauty and convenience of the plain; uniting health, with fertility of soil, and cheapness of provisions—It seems the spot to which nature, pointing her uttering finger, is wont to say, There, is stillness and retirement, is intended to be created the temple sacred to Learning, to Science and to Freedom. All the difficulties arising from a humble sense of his abilities, and a high sense of the responsibilities involved in the engagement, is felt by the subscriber, in submitting his services to the public as an instructor of youth; but having early learned the utility of the maxim, "that whatever is worth doing at all, is worth doing well," in applying it to the management of his school, his time and faculties shall be faithfully bestowed. Encouraged by the success of a few, he is not without hopes, that those entrusted to his care, will be furnished with the same, and other gentlemen in the village, upon very moderate terms.

WILLIAM B. FORD,  
Mackville, Dec. 26, 1826.

## Millsborough Academy.

The undersigned, Trustee of the Millsborough Academy, having engaged William J. Bingham as principal at this institution, take great pleasure in recommending the school to the patronage of the public. This he does with the more confidence, as Mr. Bingham is personally known to each of them. He is already a teacher of some experience and note, and unites to sound learning and the most exemplary character, a happy talent for preserving strict and wholesome discipline. The Trustees pledge themselves to the public to be the active and regular guardians of the institution; they will see that a becoming conduct and deportment shall be observed on the part of the students at all times and places. And no boarding house, where proper authority is not maintained over the boys, will be tolerated.

Should any gentleman, desiring of Mr. Bingham as an instructor of youth, be required, application may be made to the Rev. Dr. Caldwell, and to Professors Andrews, Hooper and Mitchell, at the University.

H. W. Wood, F. Ash,  
David Tarborough, Wm Kirkland,  
Francis L. Hawks, James Webb,  
John Taylor, A. B. Brant,  
James Phelps,  
December 5, 1826. 344

## Clerks of the Superior Courts.

All 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 still be thankfully received. JOHN MAC RAE,  
Fayetteville, Dec. 18th, 1826. 146

## State of North Carolina, Lincoln county.

SUPERIOR Court of Law October term, 1826: David Blalock vs. 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 Western Carolinian, 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 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, Ck., Price adv. \$4. 346