

# Western Carolinian.

SALISBURY, N. C. TUESDAY, APRIL 1, 1828.

[VOL. VIII.....NO. 408.]

Printed and Published, once a week, by PHILIP WHITE.

The terms of the Western Carolinian are, \$3 per annum—or \$2 50, if paid in advance—but payment in advance will be required from all subscribers at a distance, who are unknown to the Editor, unless some responsible person of his acquaintance guarantees the payment. No paper discontinued, (except at the option of the Editor) until all arrears are paid. Advertisements will be inserted at fifty cents per square for the first week, and twenty-five cents for each week thereafter. All letters addressed to the Editor, must be post-paid, or they may not be attended to.

## THE SIX MILITIA-MEN.

The following concise statement of the affair of the execution of the six militia men, during the late war, for mutiny and desertion, on the subject of which so much abuse has been heaped on the head of Gen. Jackson, was communicated for publication in the Baltimore Republican, by Mr. Wickliffe, member of congress from Kentucky.

Those who have attempted, for political effect, to abuse the public mind by misrepresentation, forgery and falsehood in reference to the trial and execution of these men, must be conscious by this time, of the folly and wickedness of their conduct.

An attentive examination of the evidence and documents will clearly prove, that Jackson is no more to blame than is the Judge who approves the verdict of a jury in a capital case, or the Governor of a State, who executes the law upon the unfortunate offender.

The facts are briefly, that in the year 1814, Willie Blount, Governor of the State of Tennessee, ordered into the service of the United States for six months, agreeably to law, 1000 militia of his State. They were mustered and received into the service of the Government for six months, on the 20th of June, 1814; consequently their service expired on the 20th December 1814. These men were under the immediate command of Col. Pipkin, (of the state militia) were stationed in the forts erected in the Creek nation, which it was necessary to maintain, in order to keep that nation in check. About 300 of these men (including Harris and the other five who were shot as the ringleaders) between the 15th and 20th September 1814, and before they had served three months, mutinied and deserted. The extent and aggravated character of this mutiny, is not equalled by any thing of a similar character during the war. In boldness and violence it boggles description.

Col. Pipkin took immediate steps to arrest and bring to trial and punishment a portion of these men, and demanded of Gen. Jackson the organization of a court martial for their trial. Gen. Jackson, at the distance of several hundred miles, ordered a general court martial to be composed of the officers of the Tennessee militia, of the same regiment to which these men belonged, except the President of the court, who was a militia officer of the state of Mississippi.

Upon a full, fair, and impartial trial, these men were found guilty, and six of the principals (Harris, &c.) were, by sentence of a court martial, legally constituted of the competent number of officers of their own regiment, sentenced to be shot. Some were recommended for the pardon of the Commanding General. They were pardoned, and so were all the others, except Harris and the five ringleaders. These men were found guilty of mutiny and desertion, the highest crime known to and punished by the military law of the United States. They had, by the laws of the land in the opinion of their own officers and fellow citizens of their own State, forfeited their lives—they were not recommended to the mercy of the commanding officer. By the law, Gen. Jackson was bound to approve or disapprove the sentence of the court martial. He could not disapprove it, for the law and the testimony were both with the judgment of the court. He was bound by his duty to his country, his oath as an officer to approve the sentence of the court martial, where, in his judgment, the law and the facts justified the sentence.

Those, who, under an assumed and counterfeit sympathy for the fate of these unfortunate men, for political and party purposes, have essayed to misrepresent this transaction, do not reflect, and if they do, they wickedly disregard the lasting and vital injury they inflict upon the institutions of their country. In time of war, we must rely upon the militia as our chief support—when in the service of the United States, they are and must be governed by the rules and articles of war, by the same law, which governs and regulates the conduct of every soldier. If it shall be impressed upon the minds of the American people that in time of war, militia men have a right to mutiny and desert, and they are not liable to punishment, that strong arm of our national defence will be paralyzed. I have the honor to be yours with respect,

C. A. WICKLIFFE

## REPORT OF THE COMMITTEE.

Mr. Hamilton, from the Committee on Military Affairs, to which the subject had been referred, made the following report:

The Committee on Military Affairs, to whom were referred the documents communicated by the Secretary of War, in obedience to the call of this House, of the 16th of January, relative to the proceedings of a Court Martial, which commenced its sitting at or near Mobile, on the 5th December, 1814, for the trial of certain Tennessee Militiamen, together with the correspondence between the Governor of that State and the Secretary of War, respecting the length of service of militia drafts, of that State, during the late war, report:

That, by the reference of these papers to your Committee, they have been unable to place any other construction on your order, than that it was the intention of the House, that they should examine the same, and determine whether all the documents had been communicated, or were on file in the Department, necessary to a true understanding of the case to which the call for these documents is applicable; and, if any were wanting, to ascertain in what manner the deficient papers could be supplied; and, in reporting upon the nature of transactions, which these papers disclose, to determine whether the legislative interference of Congress be necessary, as to any amendment, either of the Rules and Articles of War, or the laws governing the militia of the United States.

In the discharge of this duty, your Committee will proceed succinctly to state to the House, the character of the documents transmitted by the Department of War; the periods and events to which they are applicable; and the law and public exigency under which the Government of Tennessee, during the late war, ordered out the militia drafts of that State, for the common defence of our country; and, lastly, the crimes and offences committed by a portion of the militia drafts so ordered out, which produced a necessity for the examples which were made, and which are disclosed in the proceedings of the Court Martial, convened at or near Mobile, on the 5th of December, 1814.

The first criticism to which the correspondence transmitted, in obedience to the order of this House, by the Department of War, is liable, is the numerical classification, made by that Department, of the letters composing this correspondence.

The Secretary of War has transmitted twelve letters, which passed between the then Secretary, General Armstrong, and Governor Blount. Instead of commencing the series with the letter first in date, by which the inducement would be shown for the reply, this order is inverted; and the series commences with a letter from the Secretary of War, of the 3d of January, 1814, marked No. 1; and his letters are continued to No. 5.—It so happens, that the first letter in date, is as low down as No. 6.—Gov. Blount's of the 10th of December, 1813; and the second letter in date, is No. 7.—Governor Blount's, of the 24th of December, 1813; to both of which the letter of the 3d of January, 1814, of the Secretary of War, is an answer.

Your Committee believe that this arrangement of the correspondence, is calculated to lead to serious misapprehension; that a reader, not very attentive to a comparison of dates, would suppose that the letter of the 3d of January, 1814, referred to such militia drafts as were to be made in that year, when it is exclusively applicable to the drafts which had been made in 1813, for the prosecution of the Creek war, and which were admitted to have been executed but for three months. The injustice which, by a confusion of dates, would be done, even by possibility, to the parties concerned in the transactions of the militia drafts of Tennessee, which were made for six months in 1814, by applying the letter of the Secretary of War, of the 3d of January, 1814, to subsequent drafts for six months, instead of those which were made in 1813, for three months, has induced your Committee so to arrange the correspondence, that the leading letter, in the series, should come out first, and the subsequent letters follow in the natural order of their respective dates. This obviously just classification being observed, it will be perceived, that the letter of the 3d of January, 1814, has no bearing upon the drafts of militia, which were afterwards made for six months, in the progress of that year, by the Governor of Tennessee, of which the regiment under the command of Col. Pipkin composed a part.

A perusal of the correspondence just recited, of the muster rolls of the different companies of Col. Pipkin's regiment, and the proceedings of the Court Martial which was convened "at Mobile, on the 5th of December, 1814, for the trial of certain Tennessee militiamen," present upon their face the following inquiries: 1st. Whether the Governor of Tennessee had the power to order out drafts

of the militia of that State for a six months' tour of service? 2dly. Whether Col. Pipkin's regiment was so ordered out, and in conformity with such authority? 3dly. Whether the soldiers of this regiment, who were assigned for certain crimes and offences before "a Court Martial," which convened at Mobile on the 5th December, 1814," were legally tried; and whether the commanding General, approving the proceedings of this Court, properly exercised the power and discretion vested in him by law?

In relation to the first branch of the inquiry, it will be proper to premise, that, on the 10th April, 1812, in anticipation of the war about to take place, Congress passed an act, which will be found in the 4th vol. of the Laws of the United States, page 406, which authorizes the President "to require the different Executives of the States, to organize their respective proportions of 100,000 militia, and to call into service the whole or a part, of these quotas; which detachments were not compelled to serve longer than 6 months, after they arrived at the place of rendezvous." This act was an enlargement of the act of 1795, which restricted the service of the militia, when called out by the authority of the United States, to three months.

The act of the 10th of April, 1812, expired by its own limitation on the 10th of April, 1814. On the 11th of January, 1814, whilst, however, this law was in full force, the then Secretary of War, Gen. Armstrong, wrote the letter, numbered 2 in the documents, to Gov. Blount, which authorizes him "to supply, by militia-drafts, or by volunteers, any deficiency which may arise in the militia division under the command of Major-General Jackson, and without referring, on this head to this Department;" and further informs Governor Blount that "it may be well that your Excellency consult General Pinckney on such occasions, as he can best judge of the whole number necessary to the attainment of the public objects."

This letter, in the opinion of your Committee, vested plenary power in Governor Blount, until it was revoked, either by express orders, or by peace, to call out such militia drafts as, in his discretion, he might think necessary "for the attainment of the public objects," under the existing laws.

To be continued.

## THE PRESIDENCY.

Some of the friends of Mr. Adams still flatter themselves, that he will be re-elected. How any man of ordinary capacities, and who has access to the public journals of the country, can entertain such an opinion, is to us most astonishing. To attempt to argue the friends of Mr. Adams out of their opinions, or to remove their wilful blindness, we know would be utterly futile. But if there is a friend of Jackson, who yet doubts the success of his cause, we refer him to the subjoined table, which exhibits the lowest possible number of votes that the General will receive:

New York at least 20, but say	12
Pennsylvania,	28
Maryland, 7 certain, but say	6
Virginia,	24
North Carolina,	15
South Carolina,	11
Georgia,	9
Alabama,	5
Tennessee,	11
Mississippi,	3
Indiana,	5
Louisiana,	5
Making	134

Three more than the requisite number, without making any calculation upon New Jersey, Delaware, Kentucky, Ohio, Missouri, or Illinois.

Old Dominion.

Vote of Pennsylvania.—The General Committee of Correspondence, appointed at the Democratic Convention of Pennsylvania, held at Harrisburg, on the 8th of January last, have published a statement of the probable result of the vote of that State at the next Presidential election, which gives Gen. Jackson a majority of forty three thousand four hundred votes over Mr. Adams.

## From a Northern Paper.

The Emperor of China is now in his 46th year. In early life he was passionately fond of martial exercises, archery, horsemanship, &c.—To increase his muscular strength, he took medicinal preparations, called "strengthening pills," which occasioned the loss of his teeth. He is tall, lank, hollow-cheeked, black-visaged, toothless, and consequently prominent-chinned.

## REMOVAL. BOOTS AND SHOES.

THE subscriber has removed his shop from the house he lately occupied, opposite the Bank, to the house of Thomas Allison, on south side of Main street, third house from the Court House; where he hopes his former customers, and others who want

### Boots and Shoes

made and repaired, will favor him with a call. Those who pay cash down for work, and don't have to be dunned and warranted before they pay, shall have a deduction made from the usual prices; and those who have been punctual in paying me heretofore, may expect a reasonable indulgence hereafter. All who owe the subscriber, are again asked to pay.

EBEN DICKSON.

Salisbury, March 7th, 1828. 05

## MANSION HOTEL, SALISBURY, NORTH CAROLINA, BY EZRA ALLEMONG.

THIS elegant establishment, situated at the north corner of the Court House, has been recently repaired and fitted up in a new and superior style, for the reception of Company. The greatest pains have been taken to procure for this establishment new furniture of every description, necessary for the comfort of Travellers; the most approved servants have been selected with great care; the bar stocked with choice liquors, and the stables attended by obliging and attentive hostlers. The convenience of this situation is equal to any in the place. The house contains a number of private rooms, and out-houses, well calculated for the accommodation of Travellers and Boarders. Attached to which, there is a Dry Goods and Book Store.

To those who may please to call on him, he assures them that no pains will be spared to render their stay comfortable and pleasing.

EZRA ALLEMONG.

Salisbury, Sept 17, 1827. 82

## CARD. E. WILLEY & CO.

(At the Sign of the Mortar and Pestle.) HAVE just received from New York, a large supply of

Drugs, Medicines, and Paints; which, together with their former stock, make their present assortment replete with the most valuable Medicines sold in our country. As they are determined to make this establishment worthy of public patronage, they now offer for sale, Wholesale and Retail, the above Medicines, &c. on the most reasonable terms.

Physicians in this section of the country, as well as those to the westward, who, heretofore, have been in the habit of supplying themselves with Medicines from the north, and elsewhere, will find it for their interest to encourage the efforts of the present proprietors, in making this a useful and permanent stand.

N. B. Orders carefully and punctually put up, agreeably to directions; and on the shortest notice. Salisbury, Nov. 20th, 1827. 89

## STAGE LINE FROM RALEIGH TO SALISBURY.

THE subscriber having purchased this route of Mr. John Moring, Jun. respectfully informs the public that no exertions in his power shall be wanting to render it as expeditious, safe and comfortable as it has hitherto been under the superintendence of its former indefatigable and worthy owner.

There will be no changes in the route. The Stage, as usual, will continue to run from Raleigh to Salisbury, via Pittsborough and Ashborough, once a week. It leaves Raleigh every Friday at 2 o'clock, P. M. and arrives at Salisbury on Monday at 10 o'clock, A. M. Price of passage from Raleigh to Salisbury, 7 dollars, and at the same rate for any distance on the route. All trunks and other baggage taken into the Stage, shall be delivered at the place to which they are directed, on the responsibility of the subscriber. The subscriber hazards nothing in saying that this is the nearest, cheapest and most agreeable route from Raleigh to Salisbury; and he, therefore, with the greater confidence solicits public patronage.

GEORGE WILLIAMS, Jr.

January 8, 1828. 3mt14

## YOUNG SIR ARCHIE, BY OLD SIR ARCHIE, OF ROANOKE.

WILL stand the ensuing season, at the store of Burton & Clayton, at Beauty's Ford, within 18 miles of Lincoln, and 23 of Charlotte; and will be let to Mares at the very moderate price of \$8 the season, \$5 the single leap, and \$15 the insurance, the money for insurance will be claimed as soon as the mare is discovered to be with foal, or the property changed.

SIR ARCHIE is a beautiful dark bay, 7 years old next spring, upwards of 16 hands high, of great power, action and vigor; and, in point of blood, is inferior to no horse in the Southern States, as will be seen by the following certificate from Judge Cameron and Mr. Bennehan, of Orange, which fully establishes his pedigree: "We certify, that the bay Stud horse Young Sir Archie, sold in August last to Mr. Alfred M. Burton, of Lincoln county, was raised by us; that he was got by Old Sir Archie, his dam by Eagle, his gran-dam by the imported horse Druid, his great, great dam, by Mark Anthony. He was six years old last spring. January 22d, 1828. DUNCAN CAMERON. THOMAS D. BENNEHAN."

The season will commence on the 1st of March, and end on the 1st of August; good pasturage will be furnished gratis, and grain at the market price, if required; care will be taken to prevent accidents or escapes, but no liability for either. ALFRED M. BURTON. February 12th, 1828. 608

The Catawba Journal and Yorkville Pioneer will publish the above 3 times, and forward their accounts to me for pay. A. M. B.

## JOHN YOUNG'S ESTATE.

THE undersigned having qualified, at February sessions of Rowan county court, as administrator on the estate of John Young, dec'd. requests all persons indebted to said estate to make payment, and all persons having claims against the same, to present them for payment, within the time prescribed by law, or this notice will be plead in bar. W. H. WILSON, Administrator. Feb. 19th, 1828. 3mt15

## SALES FOR TOWN TAXES.

WILL be sold at the court-house, on Tuesday, the 15th day of April next, the following lots and houses in the town of Salisbury, or so much thereof as will be sufficient to satisfy the Commissioners Taxes due thereon, from the year 1820, to the year 1828; to wit:

The house and lot formerly owned by Sally Abbot, deceased, now by Abraham Jacobs. Lots formerly owned by B. P. Pearson, now by John McClelland.

Houses and lots belonging to Barnabas Kridder's estate.

House and lot belonging to Francis Coupee's estate.

House and lot now owned and occupied by Sarah Yarborough.

Houses and lots occupied by John Trexler.

House and lot formerly owned by Thomas Holmes, now by Samuel Jones.

House and lot owned by Ralph Kestler.

House and lot formerly owned by Martha Watson, now by Mrs. West.

House and lot belonging to the estate of the late Mr. Smethers.

House and lot belonging to the estate of the late Thomas Todd.

Also, lots numbers 23, 24, 31, 32, 35, and 37, in the West Square; lots numbers 38, 39, 46, and 47, in the East Square of said town.

All of which will be actually struck off to the last bidder on that day, if the taxes due thereon are not previously paid.

WILLIAM HOWARD, C. T. T. March 4th, 1828. 619

## BOOK BINDING.

THE subscriber respectfully informs the citizens of Salisbury, and the surrounding country, that he has established a Book Binding in said town, on Main Street, a few doors south of the Court House, where he will be thankful to receive any kind of work in his line of business. From a number of years experience, in Europe and America, he feels confident of being able to give entire satisfaction to all those who may favor him with any description of Binding.

Blank Books made to order, after any pattern furnished, on short notice, and at prices which no one can complain of.

Old Books Rebound, either plain or ornamental, on the most moderate terms. All orders from a distance, faithfully attended to. The patronage of the public is respectfully solicited, by their obt servt JOHN H. DE CARTERET. Salisbury, April 29th, 1827. 62

## State of North Carolina, Rutherford county: COURT of pleas and quarter session, January sessions, 1828.

Charles Allen, Mary Hicks, Sarah Rooker, and William M. Rooker, vs. Solomon and Elizabeth Taber, Thomas and Susanna Walls; petition for partition. It appearing to the satisfaction of this court, that the defendants in this case are not inhabitants of this state, ordered, therefore, that publication be made in the Western Carolinian for six weeks, that the defendants, Solomon and Elizabeth Taber, Thomas and Susanna Walls, do appear before the justices of our next court of pleas and quarter sessions to be held for the county of Rutherford, on the 3d Monday after the 4th Monday in March next, then and there plead, answer or demur, or judgment will be entered up against them, agreeably to the prayer of the petitioner.

611 Attest: ISAAC CRATON, C. C.

## State of North Carolina, Rutherford county: COURT of pleas and quarter session, January term, A. D. 1828: Barzillia Ledbetter, John Seary in right of his wife Sarah, and Norman Williams in right of his wife Nancy, vs. Gabriel Wilmoth, and Wm. Whitesides, and Moses Whitesides, adm'rs. of John L. d'better, dec'd. and others: Petition for distributive share.

It appearing to the satisfaction of the court, that Gabriel Wilmoth, one of the defendants in this cause, is not an inhabitant of this state, it is ordered by the court that publication be made for six weeks in the Western Carolinian for the defendant to appear before the justices of our court of pleas and quarter sessions to be held for the county of Rutherford, at the court-house in Rutherford, on the 3d Monday after the 4th Monday in March next, then and there to plead, answer or demur, or judgment will be entered up against him agreeably to the prayer of the petitioner.

611 Attest: ISAAC CRATON, C. C.

## State of North Carolina, Rutherford county: COURT of pleas and quarter sessions, January sessions, 1828: Moses Simmons, vs. Joseph Hales and wife Rebecca, heirs of Edward Ivy, deceased: Petition for partition.

It appearing to the satisfaction of the court that the defendants, Joseph Hales and wife Rebecca, are not inhabitants of this state, ordered, therefore, that publication be made in the Western Carolinian for six weeks, that the defendants Joseph Hales and wife Rebecca, appear before the justices of our next court of pleas and quarter sessions to be held for the county of Rutherford, at the court-house in Rutherford, on the 3d Monday after the 4th Monday in March next, then and there plead, answer or demur, or judgment will be entered up against them, agreeably to the prayer of the petitioner.

611 Attest: ISAAC CRATON, C. C.

## State of North Carolina, Iredell County: SUPERIOR Court of Law, Fall Term, 1827: Sally Denton vs. James Deaton; Petition for Divorce.

In this case it is ordered by the Court that notice be given for three months in the Western Carolinian, printed in Salisbury, and in the Star, printed in Raleigh; that the defendant James Deaton, appear at the next Superior Court of Law to be held for the County of Iredell, at the Court House in Statesville, on the fifth Monday after the fourth Monday in March next, then and there to plead to, or answer the petition of Sally Denton, or that the same will be taken pro confesso, and will be heard ex parte. Copied from the minutes. 139 Test: JAS. CAMPBELL, Ck.