

# Western Carolinian.

SALISBURY, N. C. TUESDAY, APRIL 8, 1828.

[VOL. VIII.....NO. 409.]

Printed and Published, every 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.

**THE SIX MILITIA MEN.**  
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:

On the 18th of April, 1814, 4th Vol. Laws of the United States, page 703, sec. 8, Congress enacted "that the militia, when called into the service of the United States, by virtue of the before recited act, may, if, in the opinion of the President of the United States, the public interest require it, be compelled to serve for a term not exceeding six months, after the arrival at the place of rendezvous, in any one year. This law was to continue in force during the war."

After the passage of this act, it does not appear that the President revoked the power which he had given to Gov. Blount, by virtue of the letters of the Secretary of War, of the 11th and 31st January, 1814; but he seems to have been willing, from his silence, coupled with the notorious fact of Gov. Blount's continuing to order out militia drafts, under the discretionary authority of those letters, to consider that such drafts as Gov. Blount should order out, were, in his opinion, required "by the public interest."

And your Committee think that this proposition may be put more affirmatively, to wit: that it was the "opinion of the President, that the public interest did require" that Governor Blount should, under the advertisement, or by the requisitions of Gen. Pinckney, have the power to order out militia drafts, either for three or six months, as the exigencies of the service should render necessary, "with out referring on this head," to the President for special directions.

This deduction they consider irresistible and conclusive, and that there was nothing in the act of April 18th, 1814, which prevented the President from expressing his opinion through general instructions, to the Executive of a State, whose orders for militia drafts, under such discretions, should, *de facto* and *de jure*, be the opinion of the President, "that such drafts were required by the public interest."

This inference, your Committee moreover believe, if they thought it necessary to go into such an investigation, might be sustained by the contemporary constructions which were given to this clause in the act of April, 1814, is the actual discretion which was vested in the Executives of several of the States.

2dly. Your Committee are now brought to inquire, whether Colonel Pipkin's regiment was ordered out for six months, and in conformity with the above cited authority? It appears, by the muster rolls, that this regiment was regularly inspected, and mustered into service for six months, to wit: on the twentieth of June, 1814; and that, consequently, their term of service expired on the morning of the twentieth of December, 1814. In the absence of all other proof, these records are to be considered as highest evidence, not only of the fact, but of the legal presumption, that the muster and inspection were made with the requisite authority.

But it is a circumstance of public and indisputable notoriety, and one which belongs to the history of the country, that Col. Pipkin's detachment was mustered into service expressly for six months, by virtue of an order of Governor Blount's, dated the 20th of May, 1814: a certified copy of which, your Committee have taken steps to procure, that it may be placed on the files of this House, with the documents from the War Department.

terwards placed under the command of Col. Pipkin, and stationed in the summer and autumn of that year, at the posts in the Creek country. And, by reference to Gov. Blount's letter of the 19th October, 1814, (No. 11,) it will be seen that he especially reported this regiment of one thousand men, to the Secretary of War, as in service for six months; from which fact, the inference is inseparable, that the President considered it as legally in service, or it was the bounden duty of the Secretary to have ordered their immediate discharge; which, it no where appears that he ever did. If, therefore, any confirmation was wanted for the original authority by which the draft was made for six months, your Committee consider that Gov. Blount's report, of the 19th October, and the implied sanction of the President, incontestably furnish it.

3dly. Whether the soldiers of Col. Pipkin's regiment, who were arraigned for certain crimes and offences before a Court Martial, which convened at Mobile on the 5th of 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? By reference to the proceedings of the Court Martial in question, it will be seen, that two commissioned officers, and about 200 of the non-commissioned officers, and privates of Colonel Pipkin's regiment, were tried for the most serious offences which can be committed in the military service of the country.

That the offences, first, consisted in "exciting and causing mutiny," secondly, for the commission of an actual mutiny, accompanied by circumstances of aggravated robbery and spoliation of the public stores; and thirdly, in the crime of desertion.

The two first of these offences, to wit: "exciting and causing a mutiny," and actually committing mutiny," by forcing the guard, and seizing the Commissaries' storehouse and stores, at Fort Jackson, were committed, the first, before the 19th of September, 1814; and, second, on the 19th of September, 1814; and before even three months' service of this detachment had expired. That some of the mutineers were deluded into a belief that they were about to be wrongfully detained in service, beyond the term for which they were legally drafted, your Committee think not improbable; and those who were thus likely to be deluded, the Court recommended to the clemency of the commanding General, who, it appears, pardoned them; and that all the rest of the mutineers and deserters were condemned to trivial punishments, neither affecting life nor limb, excepting six of the ringleaders, to wit: David Morrow, a sergeant in Capt. Strother's Company, Jacob Webb, John Harris, Henry Lewis, David Hunt, and Edward Lindsey, privates in Colonel Pipkin's regiment, who were found guilty either of causing, or exciting a mutiny, before the 19th September, 1814, or committing a mutiny, or deserting whilst on post, before the expiration of the 19th of September, 1814, and suffered death in consequence.

By an examination of the trials of these six ringleaders, it will be seen, that they were prominently guilty, either of "exciting and causing a mutiny," or of being leaders of a mutiny; the first before, and the last on, the 19th of September, 1814; and that John Harris, to whose name such remarkable notoriety has been attached, was engaged some time prior, "in causing and exciting a mutiny," by carrying even a muster roll of mutiny and desertion throughout the camp, to procure the names of those who were willing, and would pledge themselves to commit these crimes.

To these facts, your Committee will now apply the law. The act of 1795, provides, "that the militia in the service of the United States shall be governed by the Rules and Articles of War." By the 7th article of the Rules and Articles of War, "any officer or soldier, who shall begin, excite, or join in any mutiny or sedition, in any troop or company in the service of the United States, or in any party, post, detachment, or guard, shall suffer death, or such other punishments, as, by a Court Martial, shall be inflicted." By the 8th article, a similar penalty is awarded, where any officer or soldier "does not use his utmost endeavors to suppress a mutiny, or, coming to the knowledge of an intended mutiny, does not, without delay, give information thereof to his commanding officer." And, by the 20th article, the crime of desertion, is punishable by death, or such other punishments as, by "sentence of a Court Martial shall be inflicted."

These facts, and these principles, furnish a complete vindication of the Court, whose painful duty it was to condemn six of their fellow-citizens to a severe and ignominious punishment.

But if all the reasoning of your Committee was absurd and valueless, as to the fact, that these men were rightfully in service for six months, and it were even admitted that they were drafted but for three months, the proceedings of the Court would stand without spot, blame, or legal impeachment. As the crimes for which these unfortunate human beings suffered death, were committed before three months of their term of service had expired; and by the 14th section of the act of the 18th April, 1814, which was then in full force, and which provides "that any commissioned officer, non-commissioned officer, musician, or private, of the militia of the United States, who shall have committed an offence, while in actual service of the U. States, may be tried and punished for the same, although his term of service may have expired, in like manner as if he had been actually in service of the United States;" it is, therefore, obvious that these men could be legally detained for trial and punishment, even if they could have been considered as in-service but for three months.

That they had a fair and impartial trial, your committee see no reason to doubt, and the mere fact of their jurors being their own officers, fellow-citizens, and, probably, neighbors, secured the presence of that sympathy which leads to the most merciful interpretation (where it is just to apply it) of the conduct and motives of others.

That General Jackson, commanding in chief, in the Military Division, in which these events transpired, properly exercised the power and discretion vested in him, by law, by approving the proceedings of this Court, your committee, likewise, perceive no reason to doubt. It is true, that they were approved on the 22d of January, fourteen days after the victory of the 8th, by which the enemy had been repulsed from the Mississippi. But the General was at this time, ignorant of the pacification at Ghent; and, moreover, must have been apprized that a part of the enemy had gone round, and had concentrated his forces in the neighborhood of Mobile, in that very vicinity where these outrageous acts of insubordination, mutiny, and desertion, had taken place. That such a concentration of the enemy's forces was effected, is a fact beyond all dispute, as, on the 11th of February, Fort Boyer was attacked and captured.

The Commanding General must, also, have known that it was on volunteer or militia drafts the defence of the Southern coast would rest: whilst the flagrant mutinies and desertions in the campaign of 1813, of the militia drafts of that year, must have admonished him of the necessity of striking a severe, yet salutary, example in the minds of those who were liable to be misled.

Although the clemency of the General was not invoked by the Court, it is true, he might have pardoned these victims of their own crimes; but there are occasions when mercy is but another name for weakness: when even a severe and unalterable firmness, in the discharge of our duty, is the most perfect justice we can render to our country.

The examples of this stern and enlightened justice, are scattered throughout the pages of History, not for the abhorrence, but the respect of mankind; they are found, not only in the most instructive morals which the lessons of antiquity afford, but they illustrate the incomparable services of him, who was, and ever will be venerated, as "the Father of our Country."

In conclusion, your committee will barely remark, that, as the acts of 1812 and 1814, expired, the one by its own limitation, and the other by the termination of the war, they see nothing in the transaction, which it has been their duty to examine, from its origin to its close, which calls for the legislative interference of this House, in the shape of any amendment to the Rules and Articles of War, or to the existing laws governing the militia, whilst in the service of the United States.

**A Phenomenon!** There is aspring in Herkimer county, New-York, which always discharges an equal quantity of water, never rising nor falling—and what is more remarkable, always about twenty four hours before a north-east storm, the stream grows muddy, and continues so from 4 to 10 hours according to the power of the storm coming. This spring has been known for many years, and whenever it grows muddy, though the sky may be clear, and the weather perfectly mild, and without any appearance of a storm, the inhabitants predict such an event with the same certainty, as they would the rising of the sun.

## THE THOROUGH BRED HORSE AERONAUT,

Will stand the present season, now commenced, and to continue until the 1st of August, at my stable in Rowan County, 10 miles from Salisbury, and 7 from Lexington; at the reduced price of eight dollars the season, payable by six dollars within the season; four dollars, prompt payment, the single lead; and twelve dollars to insure a mare to prove with foal, due as soon as the mare proves evidently with foal, or the property is transferred. Eronaut will stand in Salisbury and Lexington the four first days of each term of the Superior and County courts; when and where he will not shrink from a comparison with any horse in America, as to symmetry and elegance of form, vigour of constitution and force of muscular power, combined with the finest action. He will be very generally found at his station, except when taken to be shown at public places, or to a small distance occasionally to oblige, for a single day or two, a particular neighbourhood.

Description.—Eronaut is a fine mahogany bay, with black legs, main and tail, a handsome star and small blaze in his face, seven years old this spring, sixteen hands high; fitting, in a high degree, the size, grandeur and elegance of his sire the Imported horse Eagle, with the great substance, power and compactness of the sire of his dam, the Imported horse Dion. His great strength of body and limbs entitle him to stand high as a horse of power, and will enable his stock to carry weight at any requisite age, and render them more suitable for the harness, saddle, or draught, the most useful portion of their service. He is a trained and broken runner, in consequence of there being no races near him when he should have been trained; yet his great power, symmetry and blood, and particularly the strength of his limbs, have made it evident to the best of judges who have inspected him, that he must have been a distinguished runner if he had been judiciously trained at the proper time.

Pedigree.—Eronaut was sired by the Imported horse Eagle, his dam by the Imported horse Dion, grand-dam by Expectation, (one of the best sires of the Imported horse Diomedes, out of a Shark mare) great grand-dam by Mr. Buchanan's thorough bred running horse Medley, out of a Celar and Fearnought mare, named Koffi-Kan, a fine chestnut, fifteen hands and a half high. From which it is evident, as far as his ancestry can be traced, he must be very nearly if not entirely thorough bred, and from the most select stock of horses ever known in England and America. ROBERT MOORE. March 26th, 1828. 6t13

## CARD E. WILLEY & CO.

(At the Sign of the Mortar and Pestle.)  
I 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 his 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

## ALBERT CORPENING'S ESTATE

THE subscriber having qualified as executor of the last will and testament of Albert Corpening, deceased, late of the county of Burke, desires all persons indebted to the estate of the said deceased, to come forward and make payment without delay; and likewise all those who have any claims against said estate, to present them, legally authenticated, within the time limited by law, otherwise this notice will be pled in bar of their recovery.

DAVID CORPENING, Executor. January 31st, 1828. 3mt14

## JOHN YOUNG'S ESTATE.

THE undersigned having qualified, as 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 pled in bar. W. B. WOOD, Adm'r. Feb. 19th, 1828. 3mt15

## 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 tables 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

## FACTORAGE AND COMMISSION BUSINESS IN CHARLESTON.

THE subscriber respectfully informs his friends and the public, that he continues the above line of business at his old stand on Edmondson's Wharf, where he is prepared to attend to the sale of produce committed to his care, upon which liberal advances will at all times be made; or to the execution of orders for Goods.

Wm. J. Wilson, Esq. or in his absence, the agent of the Steam Boats, Joseph H. Townes, will receive and forward, without delay, all Cotton consignments to the city of Orleans, and will be prepared to make advances on such consignments, if required. HENRY W. CONNER. Charleston, Nov. 1st, 1827.

## Look at this New Establishment!

THE subscribers have this day entered into copartnership, in the town of Concord, N. C. north of the court-house, opposite the Post Office, to

## Carry on the Tailoring Business.

in all its various branches, in the most approved, newest, and fashionable style. They have made arrangements to receive the fashions on from the North regularly as they change. From their long experience in the Tailoring business, they hope to afford general satisfaction to all who may give their New Establishment a trial. They also return their humble thanks for the very liberal patronage received from the public heretofore. G. & J. KLUTTS, in Co. Concord, March 24, 1828. 6t13

## TAILORING BUSINESS, in Statesville.

THE subscribers respectfully inform the citizens of Iredell county, and the adjoining country, that they have commenced the

## Tailoring Business

in the town of Statesville, in the shop formerly occupied by S. Lowry; where they are prepared to execute all kinds of work in their line of business, in a fashionable and durable manner. They will receive the fashions regularly from the North, which will enable them to suit their customers with garments made in the newest style. The public are invited to give us a trial, as we hope to be able to please all who may do so, by the prompt, faithful, and fashionable execution of our work. JOHN LOCKE, A. M. POTTS. Statesville, March 24, 1828. 6t13

## TEMPLE OF FASHION!

THE subscribers having entered into a copartnership, for the purpose of carrying on the

## Tailoring Business,

in all its various branches, respectfully inform their friends, and the public, that they occupy the shop formerly used by Revell & Templeton, and more recently by Silas Templeton, on Main street, a few doors south of the court-house, in the town of Salisbury; and are prepared to execute every species of work appertaining to their vocation, either for Ladies or Gentlemen, in a style of workmanship equal to any in this or the adjacent states.

Having made arrangements for receiving the latest Fashions from Philadelphia and New-York, they will be enabled to accommodate gentlemen with fancy coats and other garments, Ladies with Habits, Spencers, &c. made up after the most approved Northern style. All garments made at their shop, will be warranted to fit well. All orders for work from a distance will be promptly and faithfully executed, and returned in the shortest time practicable. The patronage of the public is solicited, with a confidence of being able to merit it. SILAS TEMPLETON, SQUIRE LOWRY. Salisbury, March 27th, 1828. 6t13

Nota Bene.—All persons indebted to Silas Templeton, are earnestly desired to call and close their accounts, either by cash or note, without delay, as it is indispensably necessary he should settle his business up to the time of his copartnership with Mr. Lowry. 410 S. T.

## DANIEL H. CRESS

REQUESTS all persons indebted to him by note of hand, book account, or otherwise, to make payment immediately, or their debts will be placed in the hands of an officer for collection. Persons having demands against him, will please present them for payment. He has just opened an assortment of GOODS from the North, consisting of Dry Goods, Cutlery, Crockery, Hard Ware, Groceries, &c. which he is selling at a smaller advance on cost, for cash, than has ever been offered to the public before in this place. Salisbury, Feb. 18th, 1828. 98

## AGAIN, NOTICE.

MY wife Mary has left me, without any cause, I therefore caution all persons from trading, or letting her have any thing on my account, as I will not pay one cent for any contracts she will make, or any that she has made. BENEDICT LAVONE. Feb. 17th, 1828. 209