

THE WESTERN CAROLINIAN.

Number XV of Volume XXI.

SALISBURY, N. C., SEPTEMBER 25, 1840.

No. from Commencement, 1,057.

TERMS OF THE WESTERN CAROLINIAN.

PUBLISHED WEEKLY BY CHAS. F. FISHER, Editor and Proprietor.

The WESTERN CAROLINIAN is published every Friday, at \$2 per annum, in advance, or \$2 50, if not paid in advance. It is published for the first insertion, and the price is discontinued until all arrearages are paid. The subscriber is worth the subscription; and the failure to pay is a forfeiture of the paper. The Editor is not responsible for the contents of advertisements, or for the consequences of any advertisements, or for the consequences of any advertisements, or for the consequences of any advertisements.

Advertisements are taken at the rate of 25 cents per square, for the first insertion, and 15 cents for each continuation. Court and Judicial advertisements are taken at the rate of 50 cents per square, for the first insertion, and 25 cents for each continuation. A deduction of 25 per cent. from the regular prices will be made to yearly advertisers. Advertisements sent in for publication, must be marked with the number of insertions desired, or they will be continued till ordered, and charged accordingly. To secure attention, all letters addressed to the Editor on business, must be free of postage.

DR. G. B. DOUGLAS
HAVING removed his Office to 2nd Door of Mr. Cowan's brick row, (formerly occupied by Dr. Ashbel Smith,) nearly opposite J. & W. Murphy's store, Salisbury, N. C., August 21, 1840.

DR. LEANDER KILLIAN,
RESPECTFULLY offers his professional services to the citizens of Salisbury, and the surrounding country. His office is in Mr. West's new brick-build, nearly opposite J. & W. Murphy's store, Salisbury, N. C., August 20, 1839.

DR. JAMES G. WOMACK
HAVING located himself permanently in the Town of SALISBURY, tenders his professional services to its citizens and the surrounding country, in all the various branches of his profession. He can be found at his Office, on main street, one door below the office of the "Western Carolinian," July 3, 1840.

Just received and receiving
A large stock of fresh and genuine MEDICINES, Brushes, Glass, Soap, INSTRUMENTS, Candles, Fresh Fumes, Tobacco, Paste Boards, WRITING and WRAPPING PAPER. Also, a large supply of Wines and Spirits, (for Medical use,) which will be sold at wholesale and retail, at prices to suit the pressure of the times, by C. B. & C. K. WHEELER, Salisbury, June 19, 1840.

Cotton Yarns.
THE Subscribers, Agents for the Lexington Cotton Factory, would inform the public that they have just received and now offer for sale, wholesale and retail, the Cotton Yarns of said Factory, consisting of various numbers. The superior quality and character of the Yarns of this Factory are well known and known as to need no recommendation from us. Those wishing to purchase will please give a call. C. B. & C. K. WHEELER, Agents, April 27, 1840.

Prospectus for the Extra Globe.
This paper will be published until the Presidential Election in November, 1840, with one number afterward giving the result in detail and an index. Twenty-six numbers will be issued. A large surplus of the first numbers will be printed; and all persons subscribing immediately, whose names and money are received before that surplus shall be exhausted, will receive all the numbers. Terms: One copy \$1 | Twelve copies \$10
Six copies 5 | Twenty-five copies 20
and at the same rate for a greater number. Mr. Kendall, late Postmaster General, will contribute to this paper until November. The names of subscribers procured upon this prospectus, and the money, should be sent directly to him, postage paid, or through postmasters, who are authorized by the Post Office laws and regulations to frank letters written by themselves, enclosing money for newspaper subscriptions. Bank notes, current in the section of country where a subscriber resides, will be received, provided they are not more than ten per cent. below specie in value. No paper will be sent unless the money be actually received.

CHEAPER THAN EVER!
NEW ARRANGEMENT.
An appeal to true Democracy.
On the first of August next, a new series of the Political Reformer will be commenced. It will be forwarded to subscribers in all parts of the Union, week by week, at the unprecedented low price of Twenty-Five Cents each, until the Presidential Election—Five Copies for One Dollar—twenty-five copies for Five Dollars—fifty copies for Ten Dollars. The very extensive circulation which the Reformer has already received, enables the Proprietor to put it at this unusually cheap price. It will continue, as heretofore, to advocate the principles of Jeffersonian Democracy, adhering to the old Republican landmarks of our political faith, with undeviating fidelity. No efforts will be spared in endeavoring to disabuse the public mind of the monstrous misapprehensions of our political opponents, and in presenting to the calm, unbiased judgment of an intelligent people, those saving truths which also can continue as in our upward and onward career of national glory. The Reformer will steadily and zealously advocate the re-election of Martin Van Buren to the Presidency, and as zealously oppose the pretensions of the insidious, superannuated old man who has been put in nomination for that high office by the Federal Abolition Whig party. The unparalleled low price at which it is proposed to be published, will enable all those whose names are limited to become patrons of the paper. Our Democratic friends are earnestly requested to use their exertions in procuring subscribers, which they will please hand to their Postmaster, with the request that he should forward them to Washington City, or Portsmouth, Va., to Theophilus Pask, Editor and Proprietor, July, 1840.

MATCHLESS SANATIVE.
THIS invaluable Medicine is for sale by the subscriber, at Milledgeville, Montgomery Co., N. C. W. E. BURAGE
February 21, 1840.

SALISBURY COFFEE-HOUSE.

MR. ROUECHE
WOULD inform his old friends and customers, that he has on hand a general supply of articles of a superior quality, in his line of business. He will be pleased to accommodate those who may favor him with a call, on terms the most moderate. He earnestly requests all those indebted to him either by note or account, to come forward and settle the same between this and the next Rowan Superior Court, as he is obliged to have money to renew his stock of Groceries, &c. All who do not comply with this request, may expect to settle with an officer—this course will be adopted without respect to persons. Salisbury, Aug. 28, 1840.

Administrator's Notice.

THE undersigned having obtained Letters of Administration on the Estate of Eliza Stuart, dec'd., at the May Term of Rowan County Court, 1840, hereby notifies all persons indebted to said Estate to make immediate payment; and all those having claims against the same to present them for payment, authenticated according to law, within the time prescribed by Act of Assembly, or this notice will be plead in bar of their recovery. GEO. L. SMITH, Adm'r. Rowan Co., Sept. 4, 1840.

CABINET WORK.

THE Subscriber informs the public that he continues the Cabinet-Making Business, IN THE VILLAGE OF LEXINGTON, NORTH-CAROLINA. He is prepared to execute all descriptions of work in his line of business in a very superior style, as regards workmanship and materials, and certainly on lower terms than is afforded by any other establishment of the kind in this region of country. Orders from a distance thankfully received and promptly and faithfully executed. Produce, Scantling and Plank taken in exchange for work. NATHAN PARKS, Lexington, Feb. 7, 1840.

NOTICE.

THE Subscriber having been requested by the late Benjamin Austin, deceased, to act as Administrator on his estate, takes this method of informing those concerned, that he will apply to the next County Court for Rowan County, for Letters of Administration on the estate of said deceased; and requests all those having Books, Periodicals, Papers, selections from his Cabinet of Minerals, or any other description of property belonging to the said Benjamin Austin, dec'd., to return the same without delay, or give such information as will insure its recovery. CHS. K. WHEELER, August 21, 1840.

Book Bindery.

WM. HUNTER, Book-Binder,
INFORMS the public that he still carries on an Establishment of the above kind in Charlotte, North Carolina, a few doors south of the Mint. Having, as he conceives, a thorough knowledge of his business, he feels no hesitation in assuring those who may wish to patronize him, that their work shall be done in the very best style, strong, and on accommodating terms. Books and other articles sent from a distance to be bound, will be promptly attended to and carefully returned when done. The public are requested to give me a trial. Orders left at the Western Carolinian Office will be punctually forwarded for completion. Charlotte, Feb. 7, 1840.

MOFFAT'S LIFE PILLS & BITTERS.

THE LIFE GIVING PILLS AND PHENIX BITTERS, so celebrated, and so much used by the afflicted in every part of the country, is now received and for sale by the Subscribers. CRESS & BOGER, Agents. Messrs. SPRING & SWANKLE, in Concord, N. C., are also Agents for the same. P. S. See advertisement—April 4, '39.

Notice.
THE Subscriber has on hand and for Sale, at his Shop in Salisbury, three first rate Road Wagons. SIMEON HELICK, December 6, 1839.

THE AGRICULTURIST.

DEEP PLOUGHING.

In our last number we gave some hints upon this subject, or, upon the first principles of good Farming. Since giving that piece to our readers, we have seen a demonstration of a fact therein contained. While passing through a field of corn a few miles from this city, our attention was called to one portion of the field more particularly, which seemed to be in a much more flourishing condition than the balance, which of course caused us to inquire into the cause. The soil and situation of the land seemed to be precisely the same, and the only difference was in the appearance of the corn. On inquiry, we were told by our friend, that the land was all ploughed at or near the same time, and that the corn in the forward place was planted one day earlier than in the other. We inquired if it had been ploughed by the same hand;—the answer was, that it was not. He said the forward corn belonged to him, and he ploughed the land himself; and that he followed the dictates of his better judgment, and the advice of experienced cultivators, and found registered in an agricultural paper. He informed us that he ploughed his corn had very deep, and was particular to avoid what is termed "cutting and covering," or letting the plough take more land than it will turn; while his friends in the other part of the field ploughed but very shallow, contenting with him, the while, that it was better for

THE HOOE CASE.

LETTER OF MR. VAN BUREN.

WASHINGTON August, 1840.

SIR: I have received your letter, asking me, for yourself, and in behalf of the citizens of Martin county, North Carolina, to give you a statement of the case of Lieutenant Hooe of the navy, with my views upon the subject; a request with which I do not hesitate to comply.

It appears from the official report of the case made by the Secretary of the Navy to Congress, that Lieutenant Hooe was tried by a court martial upon several charges, portions of which were for causing several persons to be flogged on board of the United States ship Vandalia, in disregard of the internal regulations of said ship, and in direct violation of the act for the better government of the navy; that he was acquitted upon a portion of the charges, and convicted upon the residue; that in the course of his trial two colored seamen, belonging to the crew of the vessel on board of which he was serving, were offered as witnesses to substantiate a portion of the charges; that they were objected to by Lieutenant Hooe, but admitted by the court, a majority of which was composed of Southern officers; that the proceedings of the court martial were referred by the Secretary of the Navy, in the absence of the Attorney General to the Attorney for this District, a native of a slaveholding State, and subsequently to the Attorney General himself, for their opinion in regard to the objection which had been made on the trial as to the competency of the colored witnesses; that these gentlemen united in the opinion that inasmuch as the testimony given by those witnesses was not material to the guilt or innocence of Lieutenant Hooe, in respect to the charges upon which he had been convicted, (that question having been decided upon other testimony,) the objection raised to their competency ought to have no influence upon the Secretary in passing upon the finding of the court; that the sentence of the court, by which Lieutenant Hooe was directed "to be dismissed from the West India Squadron, after having been reprimanded in general orders by the Secretary of the Navy," was thereupon approved by the Secretary; and that, upon an appeal to me by Lieutenant Hooe, I declined to interfere with the decision.

ADVICE TO PURCHASERS OF HORSES.

To become a judge of a Horse's conformation, the uninitiated should, in the first place, learn the names by which horsemen indicate the different parts; next he should know to what variation those parts are liable, as to form, position, and development; and, to apply this in a useful purpose, he must know what are the consequences of these variations, or, in other words, what influence they have upon the horse's capacities. Written or oral instruction will afford him great assistance, but he must not expect them to make him a competent judge. He must have recourse to the horse for much that cannot be written.—After obtaining what may be called the theory, he must obtain the practice, by actual observation; after learning what he is to look for, he must learn to perceive the peculiarities of conformation when they are before him. This is easily managed by attentively, and in a systematic manner, examining many horses, and comparing them with each other. It requires many words and some time to describe the shapes of the horse; but an experienced eye detects beauties and imperfections in the glance of a moment. A professional dealer will single out a horse for his purpose sooner than the uninitiated can see him. But he has served a long apprenticeship before he acquires this facility, and it has been the longest that he has had for or of rules to guide him. From occasional remarks of more experienced hands, and from incessantly noting striking peculiarities, and afterwards learning how these animals turned out, whether well or ill; he cannot but consider the properties as the consequence of the peculiarities of conformation. Many observations of this kind at length teach him what to expect from horses possessed of a certain form. It is obvious, however, that information obtained in this manner, must be obtained very slowly. If there were no other method, the private purchaser could never be so well qualified to judge, for his opportunities are very limited when compared with those of the dealer. Yet, by adopting the mode mentioned in the beginning of this paragraph, he may acquire the same degree of tact in a much shorter period.—Stewart.

Preservation of Pumpkins.—We understand that Mr. C. S. W. Dorsey is at this time feeding his mitch cows freely on pumpkins of last year's growth, which are in a state of perfect preservation. The butter is of the finest quality, and of the richest color, as might be expected from such food. His mode of preserving so perfectly a vegetable, which, while it can be kept sound, all consider so valuable, but which has generally been found to be delicate and perishable, is worthy of being noted. We understand his system to be, to cover the space in his barn intended for their preservation with dry straw, say a foot or 18 inches thick. On this is placed a layer of pumpkins and on that another thick layer of straw, and so on; and the result is that his cows have been supplied to the present time with an abundance of this superior food in a perfectly sound and pure condition.

It is estimated that the Equestrian Statue of Washington projected by the Philadelphians, will cost \$50,000 when completed. The base of the pedestal is designed to be constructed of New England granite, and thirteen steps, emblematical of the first Confederate States, of Pennsylvania marble.—The embellishments on the Pedestal will illustrate four of the most prominent scenes in the life of Washington. It will be an honor to the public spirit and patriotism of the city of Penn.

Cleopatra.—A lady in Calcutta, asked Colonel Rossides for a mango; as he rolled it along the table it fell into a plate of kim misstah, a kind of grape very common in the East Indies, upon which Dr. Hunter, a gentleman as eminent for his wit as for skill in his profession, quizzed, "How naturally MAX goes to a mango."

Thomas observed to the Major, that it was rather noisy at church last evening. "Yes," said the Major "there was considerable of bustle among the girls."
In a single century, four thousand millions of human beings appear on the earth—act their busy parts—and sink into its peaceful bosom.

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It appears from the official report of the case made by the Secretary of the Navy to Congress, that Lieutenant Hooe was tried by a court martial upon several charges, portions of which were for causing several persons to be flogged on board of the United States ship Vandalia, in disregard of the internal regulations of said ship, and in direct violation of the act for the better government of the navy; that he was acquitted upon a portion of the charges, and convicted upon the residue; that in the course of his trial two colored seamen, belonging to the crew of the vessel on board of which he was serving, were offered as witnesses to substantiate a portion of the charges; that they were objected to by Lieutenant Hooe, but admitted by the court, a majority of which was composed of Southern officers; that the proceedings of the court martial were referred by the Secretary of the Navy, in the absence of the Attorney General to the Attorney for this District, a native of a slaveholding State, and subsequently to the Attorney General himself, for their opinion in regard to the objection which had been made on the trial as to the competency of the colored witnesses; that these gentlemen united in the opinion that inasmuch as the testimony given by those witnesses was not material to the guilt or innocence of Lieutenant Hooe, in respect to the charges upon which he had been convicted, (that question having been decided upon other testimony,) the objection raised to their competency ought to have no influence upon the Secretary in passing upon the finding of the court; that the sentence of the court, by which Lieutenant Hooe was directed "to be dismissed from the West India Squadron, after having been reprimanded in general orders by the Secretary of the Navy," was thereupon approved by the Secretary; and that, upon an appeal to me by Lieutenant Hooe, I declined to interfere with the decision.

The simple question presented by these proceedings, was whether the admission of illegal evidence (assuming it to be so) to substantiate parts only of the charges, ought to be allowed to invalidate the finding of the court in regard to those charges which were established to the satisfaction of the court by other and unquestioned evidence; in other words, whether Lieutenant Hooe ought to be suffered to avoid the consequences of a conviction upon proof admitted to be legal, and deemed to be sufficient, because the charges against him by proof which the accused claimed to be illegal. The court martial thought not, the law officers of the Government thought not, the Secretary of the Navy thought not—and I sustained their united opinion. No principle is better established in courts of law than that a new trial will never be granted on the ground of the introduction of illegal testimony, when the verdict complained of is fully sustained by proof to which there was no objection; the common sense and justice is at once obvious to every ingenious mind.

This disposes of the case of Lieutenant Hooe, as far as it was passed upon, either by the Navy Department or myself. But it does not, as you will perceive, touch the question as to the legality of permitting free blacks to testify against white persons in naval courts martial. It is obviously not so much the individual case, as the general principle, which has excited your attention, and it is therefore due to you to give a wider view of the subject. By your State laws, blacks are prohibited from testifying against white men. You very naturally, as well from that consideration as from your own feelings, look with repugnance upon their admission as witnesses before the Federal tribunal. The first question is, whether the law as it now stands, authorizes their admission; and if it does, the next is, whether the law ought to be, and how can it be changed. There is no act of Congress which prohibits the admission of colored persons as witnesses in courts martial. It is believed that the practice of permitting them to testify, has been uniform, and I have not found that the question has ever before been brought up for decision. Indeed, I did not perceive that, except by the accused, the illegality of their admission is even now objected to in any quarter. The officers constituting the court, a large majority of whom were Southern gentlemen, of highly respectable standing, cognizant of all their rights, and, in no sense, liable to the imputation of being disposed to sustain them, did not, it appears, breathe us to the legality of the testimony. The District Attorney, Mr. Key, declares the witnesses to have been competent as the law now stands. The Judiciary Committee—now composed of professional gentlemen, at least a majority of whom could not be suspected of a disposition to screen the Department or the Executive from responsibility, if they had sanctioned an illegal act—are silent upon the subject, and the very resolutions even by which the case of Lieut. Hooe was brought before Congress, although denouncing the proceedings with great vehemence, do not, I believe, allege that the admission of these witnesses was illegal. The matter rests upon very simple grounds. The able men who framed the judiciary act of 1789, wisely adapted it, as far as practicable, as many of them had assisted in doing with the Constitution itself, and as they did with most of the early and fundamental acts of the Government, to the peculiar condition of the different States composing the confederacy, in respect to their local laws and domestic institutions. It was to this end provided, "that the laws of the several States, except where the Constitution, treaties, or statutes of the United States, shall otherwise require or provide, shall be regarded as rules of decision in trials at common law in the courts of the United States, in cases where they apply. The consequence of this provision in respect to this particular question is, that when the Federal courts sit in a State, where, by its own laws, colored persons are prohibited from testifying against white persons, they are excluded in those courts; and when the State laws admit them in the State courts, they are admitted in the Federal courts

also. Such has been the uniform practice under the act, and all excitement upon the subject has been by that means avoided. But this applies only to the judicial tribunals of the country. The law of courts martial has not been framed with so much care. Their proceedings have been exclusively regulated by acts of Congress, without reference to State laws or State usages. Those acts have never prohibited the introduction of colored persons as witnesses; and hence their frequent admission in that capacity, particularly in naval courts martial, some of them almost invariably forming a portion of every ship's crew. If it be wrong to admit them, the fault is in the law, and the remedy is to be found only in its alteration. It is surely not necessary that I should say to you, sir, that this cannot be accomplished by me. Were I either to disregard the law as it stands, when a case for doing so was presented, or to attempt to change its operation, there would indeed be cause for complaint and denunciation. But whilst I have not the constitutional power to alter the law, I have no hesitation in saying that I have not been able to discover a sufficient reason why the rule which prevails with the consent and approbation of all in the judicial, should not be extended to the military tribunals of the country. The legislation of Congress necessary to accomplish that object would be very simple, it being only necessary to provide that the rules, in regard to the admission of witnesses in this particular, should be the same in both classes of courts. Some special enactment in regard to courts martial held at sea, and out of the jurisdiction of any State, might be necessary, but could easily be adjusted.

It is thus seen that efforts designed to be useful in the matter should be directed to Congress, and not to the Executive.
I am, sir, very respectfully,
Your obedient servant,
M. VAN BUREN.

To Mr. EGGER BURRAS,
Jamestown, Martin county, N. C.

From the New Orleans Great Western.

RECAPITULATION.

On the subject of the Abolition of slavery in the District of Columbia, Gen. Harrison says: "I do not believe that Congress can abolish slavery in the District of Columbia, without the consent of Virginia and Maryland, and the people of the District."—W. H. Harrison.
Thus he concedes to Congress the right and power to abolish slavery in the District, with the consent of only two States.
On this subject Mr. Van Buren says: "I do not hesitate to give it to you as my deliberate and well-considered opinion, that there are objections to the exercise of the power by Congress, (in the District of Columbia,) against the wishes of the slaveholding States, as imperative in their nature and obligations, as the most palpable want of constitutional source would be."
And he further says: "I am a conscientious chair of the inflexible and uncompromising opponent of any attempt, on the part of Congress, to abolish slavery in the District of Columbia, against the wishes of the slaveholding States."
On the subject of the abolition of slavery in the States, Gen. Harrison says: "On the application of the States, (or a State,) CONGRESS MIGHT APPROPRIATE MONEY TO GET RID OF THEIR SLAVES" and further says: "It has long been an object near my heart to see the whole OF THE SLAVE REVOLVED (OF THE GOVERNMENT) APPROPRIATED TO THIS OBJECT."—(W. H. Harrison.)
On this same subject Mr. Van Buren says: "I do not see on what authority the general government could interfere with slavery in the States without a change of the Constitution, even at the instance of EITHER or ALL of the slave-holding States."
[M. Van Buren.]

Again, the following question has been recently put to Mr. Van Buren, by certain citizens of Elizabeth City, Virginia: "Would you sanction any bill granting appropriations of the public money to any State, soliciting aid for the emancipation of their slaves?"
To this interrogatory, Mr. Van Buren, on the 21st of July, returned the following answer: "The form of your question presents for consideration the point, whether the consent of the slave States could confer on the Federal Government the Constitutional power to apply the public funds to the emancipation of their slaves? I unhesitatingly say that it could not, and that I never could give my assent to such a measure."—(M. Van Buren.)

TIMES ARE VERY HARD

"Where does the money come from?"—We perceive that the Tippecanoe Association of this city, have appointed three hundred delegates to a Whig State Convention, at Baton Rouge. Perhaps the boats may carry them gratis;—if they do not, it will cost, at eight dollars each, which is the price of fare, about five thousand dollars, for going and returning, and two thousand more for expenses there, including refreshments, in "hard cider," &c. This needs no comment. Real "log cabin" people do not spend money in this way, these hard times, when they can scarcely get any thing for their labor. Added to this, calculate the loss of each delegate, for his time, say five days, at two dollars per day each, which will be three thousand dollars—making the best little sum of TEN THOUSAND DOLLARS! "Where does the money come from?"—Great Western.

Democrats!—Look through the Whig press from Maine to Georgia, and can you find any denunciation of old Federal men and Federal measures? Can you find any one of the present Whig journals disclaiming that they have in their ranks the great body of the old Federal party? Can you find one of the Whig editors indignantly disowning Federal principles? When Austin and Duane and others of the old Democrats, were defending Madison and Gerry from the fierce assaults of Russell and Callender, whose then was Daniel Webster, who stands forth as the leader of the Whig procession on the 10th of September? Defending the actors in the Hartford Convention? Is there now a Whig press that does not endorse Webster's principles? Democrats, reflect and then act.—Boston Post.

Gen. Harrison is decidedly the most popular candidate that has ever been before the people.
Daily Standard.
Gen. Harrison is not before the people at all. He is behind his committee.