

The Superior Court, His Honor Judge Norwood, presiding, commenced its Spring session in this place, on Monday last, and has been engaged up to this time, with great industry, in the trial of causes.

On Tuesday a cause of some interest (M. L. vs. Mayo) was heard. It was an action of assumpsit, brought against the owner of the schooner Rebecca, to recover the value of goods which were shipped on board of her at New-York, by the plaintiff's agent, and which never came to land here. The declaration charged the defendant on his responsibility as a common carrier; on the express contract evidenced by the bill of lading; and also in the common money counts.

The testimony was applicable only to the second count in the declaration; and to this point, a bill of lading in the usual form and with the usual exception of "perils of the sea," was introduced. In pursuance of the contract contained in that bill, it appeared that a voyage from New-York to Newbern was prosecuted until the vessel encountered a gale, which blew so violently that it was thought advisable to lay to; that in this condition (the gale continuing) she was driven on a desolate beach of Boddie's Island, and wrecked. The goods, saved, of which there was a large proportion, were guarded until a commissioner of wrecks was procured, who, at the request of the Captain, advertised and sold them. The purchasers, who were chiefly passengers in the Rebecca, and merchants of this place, afterwards transhipped and brought them here. It further appeared, that plaintiff had received the net amount proceeding from the sale of his goods.

The inquiry was, whether the defendant had complied with his undertaking in the bill of lading referred to; if not, whether plaintiff was not entitled to an additional compensation for the loss of his goods.

The case was argued by Mr. W. C. Stanly for the plaintiff, and Messrs. Gaston and J. H. Bryan, for the defendant.

It was insisted on the part of the plaintiff, that the defendant, by the master, who is the agent for such purpose, was bound to tranship and perfect the voyage, if possible; that he could not sell, unless under an absolute necessity; and the acts of our Legislatures, creating a commissioner of wrecks, could not, and did not confer any such authority upon that officer. It was also submitted, whether the subject of wrecks be not placed by an article of the federal constitution, within the exclusive jurisdiction of the United States Courts; and consequently, whether the provisions in our Statutes be not unconstitutional and void.

On the other hand, it was contended, that the defendant's obligations, whatever they were, ceased when the voyage was determined by the act of God; by the very peril guarded against by the exception in the bill of lading. It was denied, most strenuously, that either the defendant or the master was bound to tranship; that the master, by virtue of the total wreck of the vessel, became the agent of all parties interested, whether underwriters, freighters or owners; and like other agents, was vested with an ample discretion. He was at liberty to tranship, for the purpose of earning freight. But if the emergency of the case seemed to him in the exercise of a sound discretion, to require it, he was equally at liberty to sell. And for that purpose, it was proper for him to call in the aid of the officer appointed by law, the commissioner of wrecks. That although the constitutional question in reference to our Statutes was beside this inquiry, it was submitted, whether, in the absence of any provisions by Congress, it be not competent for the State Legislature to provide.

In the course of the argument, many authorities were read and examined, and much legal learning displayed on both sides—none of which, it should be remarked, is herein contained; but which our readers will readily supply out of their rich imaginations.

His Honor, the presiding Judge, charged the Jury, that the master of the vessel wrecked, was clothed with a power to charter another vessel and tranship the goods; but was not bound to do so. Whether it would be proper for him to continue the voyage, must depend greatly upon the facilities of transportation afforded at the place; and also upon the material and condition of the goods. If after a view of these things, and in the exercise of a discretion with which his general agency clothes him, he thinks it prudent to sell, it is competent and proper for him to call in the commissioner of wrecks, who is authorized to do so. The Congress of the United States has not thought proper to direct in what manner ship-wrecked property shall be disposed of; the propriety, therefore, as well as the necessity and legality of Legislative interference on the part of the States, is obvious. The Jury found a verdict for the defendant.

An ejectment cause was tried on Wednesday. It comprised a question of boundary only, but consumed so much time that little else was done on that day.

Thursday was occupied with the State Docket, and chiefly with the trial of a sailor, who was charged with having knocked down and rubbed a pedlar in the streets of this place. The articles taken were found upon Jack; but the Jury were not satisfied that he had possessed himself of them in such a way as to constitute the crime of *Robbery*; and therefore found him not guilty. It has been but a few days since this same pedlar, in the neighbourhood of Trent Bridge, suffered the

loss of his money and clothing, by a larcenous abstraction. We are afraid that his poor itinerant will carry to his friends an ill report of *Southern hospitality*.

FROM THE NATIONAL INTELLIGENCER.

Pleasant M. Miller, a publicly declared candidate for Congress, in that District of Tennessee lately represented by David Crockett, has declined being longer a candidate, in a letter, which is remarkable for its frankness and candor, to say no more of it. What makes this declaration, upon the grounds assumed, the more remarkable, is, that Mr. Miller was, if we mistake not, the individual Member of the Legislature of Tennessee, who first named General Jackson as a candidate for the Presidency; he certainly warmly supported the nomination, in a speech, some passages of which dwell tenaciously in our memory. His late Address "To the Electors of the Ninth Congressional District" is somewhat long. The following extracts contain the pith and marrow of it. We do not publish them from any particular sympathy in Mr. Miller's griefs, but merely to let our readers see how some of the opponents of the late unexceptionable Administration harmonize with the present at the outset:

"It is with deep regret that I feel myself compelled to announce to you my determination, no longer to be considered a candidate for Congress at the ensuing election. It is due to you, as well as to myself, to state the facts and opinions that have compelled me to come to this conclusion. Previously to my consenting to become a candidate, many of my friends were partial enough toward me to believe that I might be able to render this District some service, and they pressed also to believe that I might be serviceable in sustaining General Jackson's administration, against a threatened attack upon it, by the party opposed to him. To these ends I felt willing to contribute my mite, whatever the sacrifice might be. Now, as I cannot any longer sustain General Jackson, in his political course, I have no alternative left me, but to change an opinion deliberately formed, and a thousand times openly expressed, or keep my present determination secret, and thereby impose upon you a belief, that I will, if elected, fulfill intentions which I have not the least notion of fulfilling. Neither of these things will I do. With the settled determination no longer to support General Jackson, in that portion of his political course, which has been disclosed in the selection of his Cabinet Counsellors, I cannot now ask the support of those gentlemen, who had generously offered it to me, at a time when I intended, and they therefore had a right to expect of me, that which cannot now be realized; when I became a candidate, I had no right to expect that I could, by any possibility, be placed in the dilemma that I now find myself in. The ground of complaint against Gen. Jackson's political course, consists in the fact, that he has seduced one Governor and three Senators from that allegiance which they owed the States they respectively represented, and that he has seduced one Representative into a breach of his contract with the People who elected him. Now let us hear what Gen. Jackson himself says, &c."

[Here follows a long quotation from General Jackson's Letter of 1825, to the Legislature of Tennessee.]

"From the above quotations, I cannot help but believe, that at the time of writing the above letter, General Jackson was solemnly impressed with the impropriety of appointing any member of Congress, to any office under the General Government, during the time for which he was elected, even for two years thereafter. Nay, so thoroughly was he convinced of the impropriety of the practice, that he resigned his seat in the Senate, for this reason amongst others, that he might not even be led into temptation. That temptation which he thinks it was wrong in himself to face, has been by him thrown out to others. I forbear to press this subject farther; it is a tender one, for his future historian. "I believe that the Government will be administered about as well, and pretty much after the same manner that it has heretofore been administered, and that while I, poor foolish man, thought, with a thousand other just such numskulls, that we were fighting for principle, it is very perceivable, as I think, that the whole scene is to end in the question, whose friends are to fill the high seats in the synagogue? I conjecture that in about two years and a half, it will be intimated in New-York, that the caucus system of making a President, is, after all, the best possible system, &c. The selection of the present Cabinet points to that as uncreingly as did the star in the East on a former occasion. So that at the end of four years more, we shall find ourselves just where we started; with a Cabinet succession, and a caucus system in the full tide of successful experiment; together with Mr. Clay's system of "no neutrals" tacked on behind, (it was about to say) but this no-neutral system, if it is not already established, will precede the other, or I have again mistaken my man.

"I do hope we shall hear no more said about bargains. I will put a case: Does any man upon the face of the earth, believe that Major Eaton would have resigned his seat in the Senate, without a previous promise, express or implied, that he would be appointed Secretary of War. Since I have mentioned it, I promise, either express or implied, I do wish that the State of Georgia would employ me, (for I think she would find her account in it), to file a bill against Judge Berrien, for a specific execution of his contract with that State; which bill I would frame with a double aspect: in the first place, I would claim him as astray taken up and impounded by the Government of the United States. And, secondly, I would proceed upon the contract for a specific execution thereof, and upon this point I would set out, that there was a vacancy in the Senate of that State for six years; that defendant Berrien had proposed himself as a candidate to fill that vacancy for the appointed time. That complainants having full confidence in his capability and integrity, had given him the appointment, trusting to that integrity to fulfil his undertaking; that he had accepted of the appointment and entered upon the duties thereof; and that he had performed part of the services; and that he had it not in their power to fill the vacancy occasioned by his late appointment as Attorney General, to his liking. These facts admitted as they must be by Judge Berrien to be true; now upon this statement, if Judge Berrien will permit the matter to be brought before Chancellor Kent, and agree not to plead to the jurisdiction of the court, or take advantage of the statute of the 29th of Charles 2d., on account that the agreement was not in writing; if he will do this, if I do not compel him to return to his duty, provided the State of Georgia will keep the appointment open in the mean time, or cause him to stand committed, during the time for which he was elected, then there is no justice in America. Judge Berrien may indeed invite me to attend to my own State, and try my hand on Major Eaton, to which I answer I had indeed thought of trying the experiment on him, by way of *habes corpus*; by which process I could have brought him up before Judge Marshall, when I would put in a reclamation for him, upon the foot that the State was entitled to possession;

and I have no doubt but that Judge Marshall, Federalist as he is said to be, would instantly re-claim him; but then I new this would give me a great deal of trouble; and that I should not receive the thanks of any one human soul, in the State of Tennessee, for all my trouble, and pain-taking. From this you will see that the Honorable John H. Eaton stands a fair chance to enjoy all the profits and emoluments of his Secretaryship; and the War Department all the benefit of his long-earned experience and skill for the next four years, without let or molestation on the part of the good people of this State."

From the National Intelligencer.

"REFORM"—THE ORDER OF THE DAY. It is with sadness of spirit that we perform the duty of daily announcing the removal from public office of men every way unexceptionable, to make way for mere partizans, by which exchange every branch of the public service cannot but materially suffer. To the long list already spread before our readers are now to be added the following:

"Joseph E. Sprague has been removed from the office of Postmaster of Salem, Mass., and Ebenezer Putnam appointed to fill the vacancy. Mr. Parrot has been removed from the Post Office in Portsmouth, N. H. and Mr. Cushman appointed in his place."

At one sweep, eleven of the best Custom House Officers in Philadelphia have been driven out to graze, to make room for a like number of the lean kind of office hunting partizans. It would seem as though the Secretary of the Treasury had some particular reverence for the number eleven, that being the precise number of victims selected by him for immolation at Baltimore. The following article, from the Democratic Press, furnishes the particulars of this last outrage upon public opinion and public feeling:

Philadelphia, April 24. REMOVALS.—The following eleven officers of the Customs in this port, have received notice from the Collector, that from and after the 30th inst. their services will be dispensed with.

- INSPECTORS OF THE CUSTOMS. Job Whipple, J. Springer, Wm. Datzell, Jos. Dickson, John Diehl, David Rose, Danl. Adgate, Ch. Hopkins, Capt. Robinson, J. Durant. MEASURER OF SALT AND COAL. Samuel L. Palmer.

In this city, where these gentlemen are known, it would be presumptuous to enter into an eulogium as to their respectability of character as men, or their faithfulness as officers, or even to state their claims upon their country. These are things familiar in the mouths of every one acquainted with the population of our city. We are persuaded that no inconsiderable share of public resentment will fall upon the authors of, and actors in such removals.

Is it not monstrous to see men of the Revolution like Captain Glentworth; and the sons of those men, like Colonel Geyer; and the grandsons of them, like Job Whipple; unceremoniously thrust aside to make way for

that Wm. Datzell should be removed, was to be expected. The curse of Deau Swift is on him—he was born in Ireland, and forty years residence in the country of his adoption has not purified him, in the eyes of "the Family," from that original sin. What does it avail to him that he was a Democrat in '98, and has been a faithful laborer in this cause ever since; that he was vigilant and faithful and attentive in discharging all his public duties, and exemplary in private life—these are things which only made him a more distinguished officer.

"Death loves a shining and a brilliant mark;" so, it seems, does Proscription—the shaft is the more unerring. David Adgate, of the same school in politics with Wm. Datzell, is little less fortunate in his native country—he is a New-England man—he is from the land which has emphatically been called the birth place and the cradle of the Revolution. These Yankees are too stiff-necked in their opinions; how dare they presume to prefer a Yankee to a man "of Southern feelings and Southern interests!" If they will be thus independent they must be punished for their obstinacy. We will not, however, go through the list of the proscribed—we will take the first named as a sample of the others.

The first name on the list is that of Job Whipple. We have never interchanged a word with Captain Whipple, nor have we a feeling for him but on public principles. His character is unimpeached. He never * * * yet, the wealthy Inspector who did this, is kept in office, while honest Job Whipple—a poor man, the father of nine living children—is turned off like a worthless, trustless knave.

The Father of Job Whipple sacrificed his all—a respectable independence, in the war of the Revolution! He was a high-souled Whig, but his son must stand aside to make way for nobody knows whom—for some devoted partizan of "the Family."

The Grandfather of Job Whipple was one of that band of glorious statesmen who had the courage to declare "these United States free, sovereign, and independent." His name is in his own proper hand, writing, subscribed to the Declaration of Independence. Turn to the *fac similes* and see the name of "Wm. Whipple," written with as much freedom and business as that of John Hancock—yet the grandson of Wm. Whipple, and his nine children, are turned out of office, because that grandson dared to exercise the right of thinking for himself. We marvel that the very stones of Philadelphia do not rise in mutiny against such ingratitude.—Dem. Press.

A letter to the editor of the Baltimore Chronicle, from Washington, says: "One of the first appointments made by the Postmaster General, was that of Mr.

H. H. Norton, to be postmaster at Hartford, Connecticut, one of the most lucrative, not only in that State, but in the New England States. The successful candidate left this city about a week since, intending to proceed to Boston and remove his family up to Hartford. He carried with him his commission, Mr. Norton, it is expected, will have arrived at Hartford, perhaps this day, to assume his office. But a sad disappointment awaits him. He will scarcely have delivered his credentials, when the revocation of his commission will be presented, and he directed to surrender his place to Judge Niles, who supersedes him."

RAILROADS AND CANALS.

There are constructed or now constructing, with all the surveys completed, all the necessary laws had, and all the funds raised and ready, with enough done to show the whole character and cost of the work—3508 miles of canal and railroad in the United States. Most of this communication is made by the public authorities; not more than one-fourth by companies; and, as far as experience speaks, we are warranted in saying, it will generally yield interest on the expenditure. We deduce from the facts before us, the following curious results—that our population of twelve millions have attempted one-fourth more than England with twenty-three millions, and infinitely more than the population of the continent of Europe—that according to the population, we are doing nearly as much again as England—and if we take abstractedly the work of New-York, she has done, proportionably to her population, eight times as much as England. Notwithstanding that so much is doing and done, we feel that the spirit of the country is just awakened; we speak confidently of more than doubling all this within the next ten years. Already we have actually projected, surveyed, and ascertained the cost and practicability of 4000 more of artificial communication.—The Federal and local governments, and individual companies, vie with each other in such works. The effect of them in this scattered nation has been signal—they have stimulated our whole population; have carried a sort of creative faculty with them into the interior; have brought into notice and given value to numberless articles of agricultural and native products, that never were estimated, or sought a market before; they have given an activity to the people corresponding to the facility afforded; they carry intelligence and diffuse it into some of our most uncultivated settlements; they are developing our soil, iron, and all other resources, and founding upon them the arts and manufactures which create a home market, and enrich our commerce with all the interchanges incident thereto; they ensure that independence and comfort to the nation, which it looked for in vain, whilst it depended on foreign commerce for necessities; they are uniting and amalgamating the people, and imparting to them a unity of design, a community of interest, and a celerity of movement that will ensure to us a wealth, a polish, and a political influence worthy of such a people, possessing such a country.

This system of intercommunication will build up a home market, and we will sustain a circle of commerce with one another, infinitely more complete than that which the different European States have among themselves; because embracing more variety of climate, and a richer series of productions. Imagine the time not distant, when each district of our country thus connected, will have developed its own peculiar resources, and be ready to throw them into the great circle of interchange, and swell the active stream of our internal commerce.—Pennsylvania, with her iron, coal, marble, lead, glass, lumber, flour, wool, butter, and beef, and all her handicraft employments; New-York, with her salt, flour, gypsum, and foreign commerce; New-England, with her fish, oil, lumber, ships, and manufactures; Maryland and Virginia, with their tobacco, flour, Indian corn, fish, and lumber, and wine; South-Carolina and Georgia, their cotton, rice, sugar, molasses, rum, cotton, rice, sugar, indigo, and lumber; Louisiana, Florida and Mississippi, their sugar, molasses, rum, cotton, rice, indigo, olive oil, and wine; Kentucky and Tennessee, their flour, whiskey, hemp, tobacco, salt, coal, iron, mules, horses, pork, and live stock; Ohio, her pork, lard, butter, cheese, flour, cattle, wool, horses, salt, and coal; Missouri and Illinois, their lead, iron, fur, and lumber; Indiana, her whiskey, corn, and pork; and the Northern Lakes, their white fish, fur, and copper. Add to the above, all the richness and variety of shapes into which our manufacturers and artists will elaborate those products, and the wealth and splendor that foreign commerce will throw over them, and we will have the picture that the next twenty years will present to us, and which even now is half finished. All this development awaits but a few years; it proceeds with the certainty of mathematics; time, not tariffs, conducts it on; it is the result of our growth, our free institutions, our wants, our well-established enterprise; no system can retard, nor much accelerate it. American Quarterly Review.

Popularity.—Lord Orrery informs us, that the common people were taught to regard Deau Swift as a Jacobite, and upon his arrival at his deanery in Dublin, he experienced every species of insult; he was even pelted with stones, avoided as a pestilence, and opposed as an invader. He was marked out as an enemy to his country—but he had seen enough of human nature to be convinced, that the passions of low, self-interested minds ebb and

flow continually; they love, they know, not whom—they hate, they not why—are captivated by words, guided by names, and governed by accidents. Swift's pamphlet in defence of the Irish manufacturers, was, I believe, his first essay in Ireland, and it soon turned the popular tide in his favor; the attachment which the dean bore to the true interest of Ireland was no longer doubted; his patriotism was as manifest as his wit, and he became the idol of the people of Ireland. N. Y. Mirror.

"Look Here!" SOMETHING WORTHY OF NOTICE. 2 Prizes of 10,000 Dollars. 2 Prizes of 5,333 Dollars. AND Forty Prizes of 1000 Dollars. All to be drawn on Monday, 4th May. Union Canal Lottery, No. 4. 60 Number Lottery, 9 drawn Balls.

SELEBDE SCHIEME. 1 Prize of \$10,000, 1 do 10,000, 1 do 5,333, 1 do 5,333, 40 Prizes of 1,000, 40 do 500, 51 do 200, 51 do 100.

Besides many of 90, 80, 70, 60, 50, &c. Going at the low price of Whole Tickets \$10, Halves 5, Quarters 2 50, Eighth 1 25. For sale in a variety of numbers at the truly fortunate Office of B. W. HEWSON, Petersburg, Petersburg, Va.

Delay not to secure a chance; for a small sum you may gain an independence for life, the Cash is ready for all Prizes, and all those who stand in need of the "Rhino," I invite to make immediate application or send their orders.—All orders will meet with prompt attention, and the drawing sent where directed.—Address to B. W. HEWSON, Petersburg, Petersburg, Va.

Petersburg, 27th April, 1829.

University Bank Stock. CERTIFICATES FOR THIRTY SHARES OF the Capital Stock of the Bank of Cape Fear, belonging to the Trustees of the University of North-Carolina, have never been in my possession as their Treasurer, and are believed to have been lost or mislaid. Notice is therefore hereby given, that at the expiration of three months from the day of the date hereof, application will be made to the President and Directors of said Bank, in the name and on behalf of the said Trustees, for a Duplicate Certificate of said "Thirty Shares." CHAS. MANLY, Treasurer Board of Trustees. Raleigh, 30th April, 1829.

NATIONAL HOTEL, Elizabeth City, N. C.

The Subscriber having taken that large Brick House, owned by Asa Hogerson, Esq. on the corner of Main and Road Streets, and fitted it up for a Public House, expects shortly to receive a supply of Furniture, and be ready for the reception of Company on the 15th instant. He has also prepared Stables to accommodate 35 Horses, besides extensive Carriage Shelters. The Proprietor invites the attention of Travelers to the NATIONAL HOTEL, on account of its many advantages; being very commodious with piazzas nearly round the House from the second story, and in the centre of the business part of town. In addition to what he has on hand, the Proprietor will receive from New-York, in a few days, Porter, Ale, Wines and Liquors of the best quality. Every exertion will be made to give general satisfaction to all who may please to call upon him. He feels grateful to the customers of his former Hotel, and solicits a continuance of their patronage. The Subscriber keeps Hacks, Gigs & Horses to Hire. JAMES S. RELFE, Nov. 4. 54 4t

SIR ARCHIE

Will Stand the ensuing season at my Stable, in Northampton county, N. Carolina, about 3 miles from the Court-house, 6 miles from the town of Halifax and 21 from Belfield, Va. He will cover mares at \$75 the season, payable on the first of January next, with one dollar to the groom in all cases. Such of Sir Archie's friends as live at a distance will send their notes with the mares, payable on the first of January.—Also, the feeding of the mares to be paid for when taken away. The season commenced on the 1st February and will terminate on the first of August next. Extensive fields of small grain and clover are sowed for the benefit of mares that may be left with the horse, with the addition of grain feeding at 2s per day. Separate enclosures are provided for mares with colts. No pains will be spared in taking the best possible care of mares, &c. that may be left, but no responsibility for escapes or accidents. Sir Archie's blood, great size, performance on the turf, and celebrity as a foal getter, are sufficient recommendations. JOHN D. SMITH, March 4. 58 208

NOTICE.

WHAT ON the 2d Monday in May next, will be sold at the Court-house door in Rockford, in Surry County, the following tracts of Land, or as much as will be of sufficient value to satisfy the Taxes due thereon, for the year 1827, with costs, to wit:— 200 acres given in by Isabella Jackson, joining Jehu Jackson, lying on Tom's Creek. 1094 acres, given in by James Morgan, joining Sarah Jackson, lying on Tom's Creek. 180 acres given in by the heirs of Richard Wooten, lying on Hunting Creek, joining Robt. Walker. 613 acres, given in by the heirs of John Happers, adjoining Bazett Jefferson, lying on Fishing Creek. 1000 acres, not given in as the property of the heirs of Jesse Lester, lying on the Double Creeks. 1 Town Lot in Rockford, as the property of the heirs of Robert Williams. 1 Lot in Rockford, the owners unknown. 240 acres, given in by Wright Johnson, joining John Zachary, lying on Stewart's Creek. 245 acres, given in by Wm. Spencer, joining Phil. Phillips, lying on the Yallico. 75 acres, given in by Thomas W. Lester, adjoining Wm. Spangler, lying on the Yallico. 169 acres as the property of the heirs of Joseph Drummond, dec'd., joining Ephraim D. Harris, lying on the Fox Nobs. 613 acres given in by Samuel Jones, adjoining John Jones on Hunting Creek. 694 acres, given in by Wm. S. Davis, joining Benjamin Johnson, Flat Rock Branch. 444 acres, given in by House Sink, joining Chas. Johnson. 193 acres, given in by Wm. McDaniel, adjoining Bennet Windsor, lying on Hunting Creek. THO. B. WRIGHT, 337, March 4th, 1829. 55